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ABSTRACT

A memory told and retold among Haudenosaunee traditional (Iroquois or Six Nations people, including the Mohawk, Oneida, Onondaga, Cayuga, Seneca, and Tuscarora) holds that in the formative days of the American republic, statesmen from the still powerful Indian Confederacy informed prominent colonists and some founding fathers on Indian concepts of democracy. The claim is based on the undisputed existence of a comprehensive aboriginal constitution, the Great Law of Peace, which is the guiding framework from the Haudenosaunee. Cornell University's American Indian Program sought to explore the historical reality of that Indian oral memory. The resulting conference of scholars, researchers, and culture bearing people from Iroquois communities focused on the legacy and influence of the Iroquois Great Law of Peace and other Indian constructs on the U.S. Constitution and the general American philosophy of governance. A secondary focus involved the validity of oral tradition, its accuracy and dependability, and how it compares to the written tradition of the West. This volume contains edited materials from the Cornell conference, as well as related testimony from a hearing before the Senate Select Committee on Indian Affairs. It includes presentations by 15 chiefs, elders, tribal orators, and scholars, as well as background materials on the Peace Queen and origins of matriarchal influence in the Confederacy. Appendices contain a glossary and the text of Senate Concurrent Resolution 76 to acknowledge the contribution of the Iroquois Confederacy of Nations to the U.S. Constitution and to reaffirm the government-to-government relationship between Indian tribes and the United States. (SV)

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INDIAN ROOTS of American Democracy

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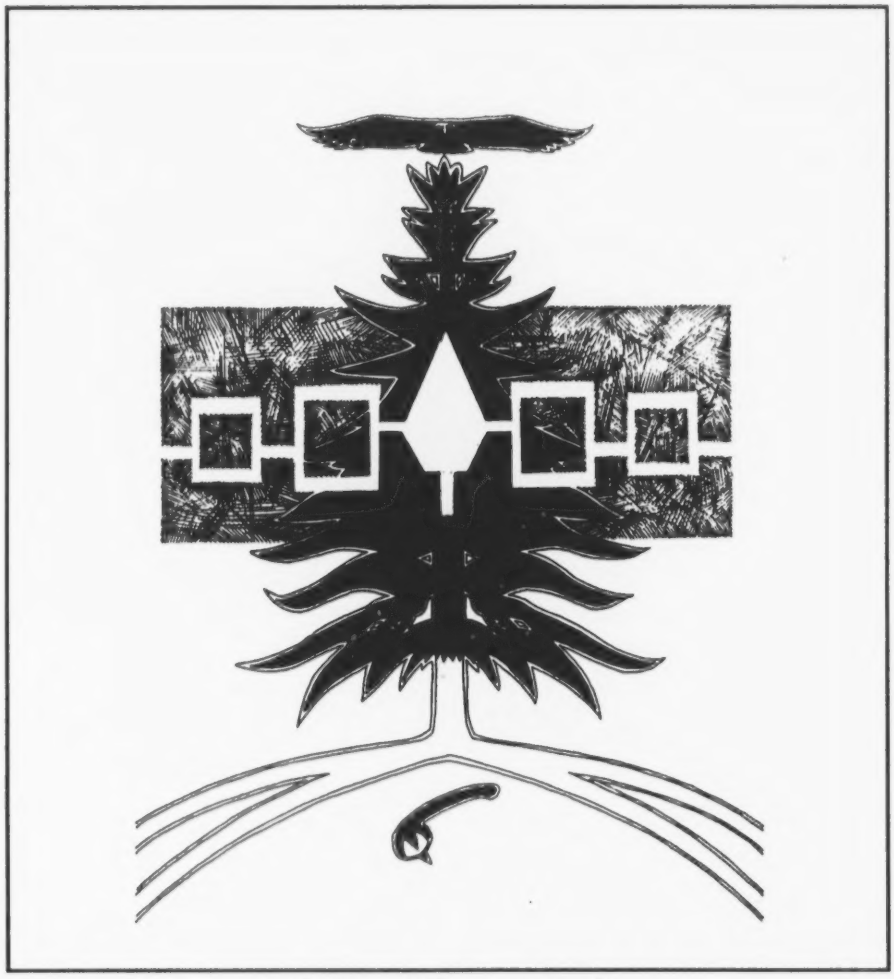
INDIAN ROOTS of American Democracy



Cultural Encounter I
Published by the *NORTHEAST INDIAN Quarterly*

Edited and with Introduction by Jose Barreiro
Special Constitution Bicentennial Edition, 1988

This special edition of the *NORTHEAST INDIAN Quarterly* is a double issue and covers Volume IV, No. 4 (Winter 1987) and Volume V, No. 1 (Spring 1988).

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The *NORTHEAST INDIAN Quarterly* is a publication of Cornell University's American Indian Program. The AIP projects a series of forums over the next five years designed to explore various topics around the theme of "cultural encounters." The "Great Law" conference was the first of these, which build toward a major thematic conference in 1992, the year of the 500th anniversary of the first Columbus voyage and the first contact between European civilization and the indigenous civilization of this continent.

Among the AIP's several missions is the development of teaching materials on the topics documented during the cultural encounter conferences. These materials will be designed for elementary school, middle school and high school.

American Indian Program

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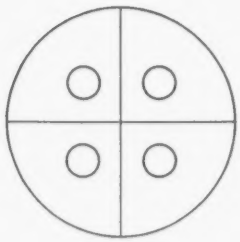
On our cover: John Kahionhes Fadden, *Tree of Peace*, acrylic on canvas, 1987.

Book Design: Daniel Thompson(Rokwaho)/Pictographics

This effort is for Ray Fadden, Tehanetorens,
Forest teacher of the generations.



THE LAW IS IN THE SEED

The Law is in the Corn
the people of the southwest say this...
to be there with the morning star in that sacred time...
to talk to the corn, to hear it talk in the wind
in the language of movement...what to do.
Out here at the Eastern Door, we say, it is
the Original Instructions,
but also that a sacred thing happened when we were
given the Great Law, for we had forgotten
the Original Instructions...
when crooked men arise and become dictators,
murderers, thiefs, cannibals...
The People would take the seed and move
to plant their Corn in a new place,
once again under the shelter of the Tree of Peace,
This is called Democracy,
it is in the land, it is in the seed.

The Law Is In The Corn
The Law Is In The Seed.

-Alex Jacobs/Karoniaktatie

inspired by two films: *HOPI: Songs of the Fourth World* and *ONENHAKRENA: White Seed (Corn and Culture Among the Mohawk)*

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Acknowledgements

Dr. Charlotte Heth is an ethnomusicologist and Director of the American Indian Program at Cornell University.

NEIQ Photo: Ray Cook

Any major project involves the significant contribution of many people. In the case of the examination of the Iroquois influence upon the development of American democracy, the list of participants, supporters, contributors, and volunteers is gratifyingly long and it is with pleasure that we acknowledge as many of them as possible.

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In Washington, D.C., we thank the staff of the Senate Committee on Indian Affairs, particularly Executive Director Alan Parker , Chief Counsel Patricia Zell and Minority Assistant Kimberly Craven.

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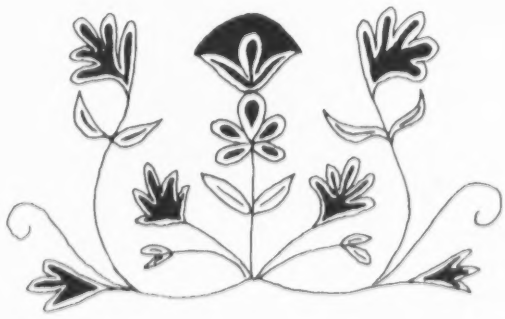
Finally, as Director, I want to give a special thanks to the staff of the American Indian Program, both for their generous commitment to teamwork and for their energetic drive to make this first "Cultural Encounter" a success.

Ron LaFrance helped translate for the Iroquois elders and supported the effort through his wide network of contacts among the Iroquois community. Staff members Diana Andersen, Sandra Rourke and Vi Maliski ran registration, assisted guests, and fielded questions. Stephen Fadden hosted the Informal Session. Jose Barreiro conceptualized and framed the theme of the conference and edited this volume. Susan Dixon coordinated people, panels, luncheons, dinners, programs, and all manner of logistical details with exactitude and that most valuable of qualities, "grace under pressure."

- Charlotte Heth



Foreword

The Honorable Daniel K. Inouye (D-Hawaii) is chairman of the Senate Select Committee on Indian Affairs and a distinguished senior lawmaker. He has been an advocate for the recognition of the American Indian contribution to American democracy. On September 16, 1987, four days following the Cornell Conference, "The Iroquois Great Law of Peace and the United States Constitution," Senator Inouye introduced Senate Concurrent Resolution S. 76 to commemorate the Iroquois' early advise to the American founding fathers and to re-affirm the government-to-government relationship. On December 2, the Indian Committee hosted several Indian affairs scholars, including Onondaga Chief Oren Lyons, Lakota author Vine DeLoria, Jr., Lumbee attorney Arlinda Locklear and professors Donald Grinde and Gregory Schaaf, to testify on the bill. The following excerpts are from Senator Inouye's remarks at both events and in conversation with NEIQ editors.

Lorraine Canoe, Mohawk, and Oren Lyons, Onondaga, discuss the Two-Row Wampum Belt with Senator Inouye.

NEIQ Photo: Robert Stiles

Senator Inouye:

"If one studies the early history of United States-Indian relations, one finds that in the early days, 200 years ago, the United States Congress considered the relationship to be extremely important. Congress had a standing committee made up of many of its most important members. They had special debates in the constitutional conventions on Indian relations. Even in the White House, they had men who were conversant on Indian problems. The relationship was obviously equal. No question as to sovereignty.

"With the passage of time, this relationship of respect changed. And, of course, one can see the reason. In the early days, Indians were found to be necessary to maintain the well-being of the United States. Would they be allies or enemies of the U.S.? This was a crucial question. They provided food and resources important to the very existence of Americans. But when the non-Indians began to organize and to outnumber and to intimidate, the importance of Indians became less and less. The treatment of the Indian became terrible.

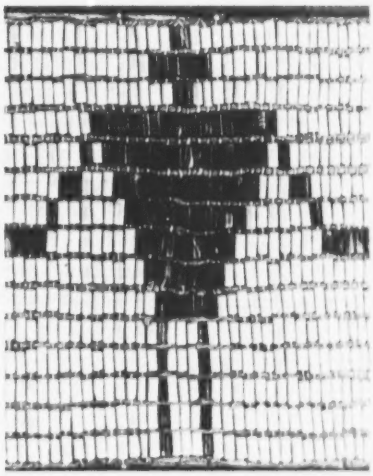
"I think that as we celebrate the Constitution bicentennial, we should realize that our Constitution came into being, in many ways, because of Indian contribution. George Washington and Benjamin Franklin, in several papers, spoke with great admiration, great awe, over the skill with which the leaders of the Iroquois nations were able to maintain the sovereignty of each nation, but yet be able to form a confederacy and serve as a unit. This gave our Founding Fathers the idea of the federal-state relationship.

"Now we must also speak of our trust relationship, the ongoing government-to-government relationship that we have with Indian nations and tribes throughout this land. Many of my colleages join me in introducing S. 76 to commemorate the bicentennial of the drafting and signing the US Constitution, and to acknowledge the great contribution made to our nation by the ancestors of the Iroquois."

Introduction

Challenging the Eurocentric Notion

- Jose Barreiro



Washington Covenant Belt, detail

Courtesy New York State Museum, Albany

American Indians, specifically traditionals, are wont to suspect the Eurocentric notion. There is a history of denial, fierce aggression, broken promises and scattered dreams; too many central tenets of American expansion (remember Manifest Destiny?) thrown, hot iron, on Indian backs. Traditional Indians have claimed that too much curiosity about Indian culture has died in disregard, or worse yet, has been used to assault the dignity of cultural self-worth. Even altruism toward Indians, always blind, mostly turned to insult and bitter arrogance.

Traditional Indians further contend that the Western European mode of interpretation has worked to deny the validity of Indian thinking and the role that Indian societies played in the history of the United States. In the words of Seneca writer, John Mohawk: "Even the very idea that Indians are valid human beings was debated for many decades; a question, I suggest to you, the European mind has not yet resolved."

There is much that needs to be identified and defined about the Eurocentric notion: many people will not have heard about it. Let us start by suggesting that the Eurocentric notion is an outgrowth of the Judeo-Christian-Roman cosmology – which as an ideological force took over Caucasian Europe and launched populations world-wide. It is a truism of the Eurocentric notion to devalue all extra-European bases for philosophic construction.

The Eurocentric notion, for instance, will immediately deny that the Indian influence on American culture is an important inquiry. It has for centuries.

The Eurocentric notion fully accepts the perception of history, time, and global civilization as an ascending and always expansive pattern. The Eurocentric notion universalizes the idea of the Man-God connection as primary and despiritualizes the natural world, assigning inanimity to all non-human beings. Where it has run up into Native beliefs and religions, it has worked to invalidate them through concepts of "paganism," "primitivism," and "savagism."

Indians have used the term, "the White Man," to describe the Eurocentric notion. This term, however, though apt in its own way, is misleading to the degree that it can become racialist, thus reductionist, and a disservice to the analysis. In fact, for traditional Indians, it is not so much a racialist concept as a social-cultural one, and a way to differentiate. There is a deep perception in the Indian world that the over-all thinking of the "White Man" lacks roots, is not well-squared with the laws of nature and the universe. There is a belief that this has been the root of untold misery for native peoples.

The miracle is, to paraphrase Mohawk spokesman Tom Porter, that for all the destruction (including the ethno-stress of self-destruction) caused by the Eurocentric misperception, core families and clans of Indian culture and thinking have persisted in putting forth authentic Indian feelings, studied perception, remembered history and cosmological world-view.

Among American Indians generally, there is a universal opinion that the Indian world-view and its impact on American society has yet to be properly understood. Indians will point to many teachings within the native traditions and languages that signal deep concepts and systems of knowledge on everything from ecology to governance. For Indians, and possibly for America as a whole, the question of Indian influence upon the American mind is an important inquiry.

A memory that has been told and retold among Haudenosaunee traditionals (Iroquois or Six Nations people, including the Mohawk, Oneida, Onondaga, Cayuga, Seneca and Tuscarora) holds that in the formative days of the American republic, statesmen from the still powerful Indian Confederacy informed prominent colonists, including some of the Founding Fathers, on Indian concepts of democracy. The claim is based on the undisputed existence of a comprehensive aboriginal document or constitution, called the Great Law of Peace (*Kayanesha'Kowa* in Mohawk), which is the guiding framework of the Haudenosaunee.

In recent years, a number of historians have pointed out that the Iroquois, as a most powerful native nation to confront the incoming European powers, engaged in countless councils with colonists. The contend, as do the Iroquois elders, that in these councils, Indians taught American colonists how to behave in this new land and that they transferred many of their own cultures' most cherished values to the newcomers.

Working in isolation and often thinking themselves lone adventurers, only in the past year have some of these scholars begun to meet each other. The most prominent, Drs. Donald Grinde and Bruce Johansen, have published important histories on the subject. Others, such as professor (and novelist) Bruce Burton, historian Dr. Robert Venables and attorney Robert Coulter, have conducted exhaustive research into specific questions about the colonial period while working on projects in their own fields.

On the Indian side, it has been John Mohawk, as well as Iroquois spokesman Oren Lyons, Mohawk chiefs Jake Swamp, Ron LaFrance and Tom Porter, Onondaga Clanmother Audrey Shenandoah and the Iroquois Tadodaho, Chief Leon Shenandoah, who have been most prominent this decade in posing the question of Indian influence. Lyons, who has been profiled in the *NATIONAL GEOGRAPHIC* and the *NEW YORK TIMES Magazine*, has said, "It has been a difficult question to raise, but I think we are starting to get through."

In the Fall of 1987, on the occasion of the celebration of the Bicentennial of the United States Constitution, Cornell University's American Indian Program and its journal, the *NORTHEAST INDIAN Quarterly* sought to explore the historical reality of that Indian oral memory and invited culture-bearing people from among the Iroquois communities as well as academic scholars actively researching the subject here to share their recent findings. The question posed: What has been the legacy and influence of the Iroquois Great Law of Peace and other genuine Indian constructs on the United States Constitution and the general philosophy of governance in America?

*****

The news of a plan to hold a serious discussion on the Great Law of Peace and its influence on the U.S. Constitution touched a nerve. Many Indian tribal organizations responded. The conference itself drew some 400 participants, including a hundred Indian people and many academics. There were registrants from Maryland, Massachusetts, Quebec, and as far away as Texas and California. Later, several other college programs and student clubs sponsored similar programs.

Across the United States, numerous Indian leaders, tribal chiefs, lawyers and programs in national museums were also contemplating the Constitution Bicentennial celebrations and its meaning for the native tribes. Among others, the National Congress of American Indians, the Indian Rights Association of Philadelphia, the Alliance of National Indian Leaders, Americans for Indian Opportunity, the Wisconsin Indian Resource Council, the National Conference of Christians and Jews, the Smithsonian Institution, the Jefferson Forum and the U.S. Senate's Committee on Indian Affairs, chaired by the Honorable Senator Daniel K. Inouye, held meetings and hearings on the event. It was one of those seasons that gathered intelligence and force as it unfolded and determination was high, both among Indians and scholars, that no stones be left unturned, no threads unscrutinized, in the search for factual and interpretive answers. As can be seen from the selections in this volume, the document produced by all this activity, yet growing, is already far-reaching.

*****

At Cornell, during the conference itself, the talk was just as interesting among the audience, which was highly charged, as it was on the formal panels. The first day, during a morning press briefing and later, in an informal afternoon discussion, held while arrivals registered, the audience immediately framed crucial questions. This high level of audience interest for dialogue prescribed an oral conversational approach to the gathering, an appropriate format, given that much of the initial discussion focused on the validity and accuracy of oral as opposed to written traditions.

The presentations in this volume, all edited from recordings and transcriptions of talks, by both Indians and academics, prepared and extemporaneous, thus bring to the subject that "overlapping of edges" or reiteration that is the hallmark of oral tradition. This present volume presents edited materials from the Cornell conference, held on September 11-12, 1987.

Later, staff members from the U.S. Senate's Indian Affairs Committee selected some of the same people Cornell had hosted as witnesses for the Senate hearing, held on December 2nd. This special issue of the *NORTHEAST INDIAN Quarterly*, which has grown to the size of a small book, supplements the material from our conference with selections from the testimony presented before the Senate committee and other occasions. If appropriate, where the speaker addresses both forums, we have blended the orations to add dimension. Two of the witnesses, well-known scholars in the field of Indian Law, Arlinda Locklear and Vine Deloria, Jr., are thus added to the Cornell presentation of Robert T. Coulter, Esq.. Similarly, from the Senate hearing we pick up the testimony of the Honorable Oren Lyons, Haudenosaunee Grand Council orator, and remarks by the Honorable Daniel K. Inouye, which are presented in the *FOREWORD*.

*****

The question of whether, in fact, there has been an influence or a transfer of values and symbols from Indian cultures to American life and governance, was immediately posed by the press and other conference participants. It was answered directly by Dr. Donald Grinde during the press conference and is

the general focus of this volume.

The second important question had to do with the validity of oral tradition, its accuracy and dependability, and how it compared to the written tradition of the West. Steve Fadden, Cornell Communications graduate student and a *NORTHEAST INDIAN Quarterly* assistant, framed the question for the three dozen early participants during the informal discussion. Fadden pointed the difference between pen and paper as tools to record agreements and the use of wampum belts a mnemonic devises by the oral tradition, "where people are trained to remember what they hear." Fadden described a common communications exercise, called "the Gossip Game," on the eroding accuracy of information as it transfers, orally, through successive retellings. "That is an argument I've heard in academia as to why oral tradition does not have the strength, because it changes from person to person."

Billy Two Rivers, a Mohawk spokesman from Kanawake Reserve near Montreal, Canada, asked to speak. Having been raised in an oral tradition, he said he had to disagree with the "gossip" idea of oral tradition. "When you are handed down an oral tradition," he said, "it's coming from your family, parents and grandparents. There is a feeling of legitimacy and truth in what is being passed down to you."

This is an Indian perspective, Two Rivers said, so the opposite viewpoint of the validity of the written tradition is held. "In the early writings about Indians, there were many distortions. And there was no one to correct them. The people who came from a generation or two afterward took that as the truth, and consequently the written word that we get to this day comes through a counterfeit or distorted route."

Two Rivers stressed that many factual items can still be verified "to this day, through Indian nations where the oral tradition is still alive."

Charlotte Heth, Cherokee, is AIP Director and ethnomusicologist. She spoke about studying Indian songs recorded as early as 1883. Where the particular Indian tradition was still current, she said, "you will find that the songs fundamentally don't change -- you may find one maybe a little bit faster or a couple of words dropped out -- something of that nature, but basically they do not change. Singers have incredible memories. If you go back and compare their songs to the early recordings, they are exactly like they were. I think those of you that grew up in the oral tradition know that the things that you remember in your own head stick with you longer than the things you read on paper."

In a similar vein, Elwood Green, Mohawk artist and director of The Turtle - Native American Center for the Living Arts, in Niagara Falls, spoke about the need to understand why oral tradition, such as the one still found among the Iroquois communities, is a formalized way of passing on cultural knowledge. "It should not be confused with gossip, at least not the way our traditional

A Symbol More Powerful Than Paper

John Mohawk

"The wampum represent the peoples' best thinking put into belts. In fact, sometimes it represents the agreement to hold onto an oral tradition," John Mohawk said during the introductory meeting. He went on:

"The interpretation of the value of wampum is an interesting one. When people look at Indian relations, one of their questions is about its value. When they look at wampum they say that wampum was like money to the Indian. wampum was valuable the same way that money is valuable. It took many hours of labor for a person to create a string of wampum beads using a stone drill on a shell. Money actually is a measure of human labor, and the wampums in that regard were also a measure of human labor. There was difference however; you couldn't accumulate wampums in quite the same way that you can accumulate dollars, and it didn't have quite the same kind of power to buy commodities that dollars have.

In the long time ago past, when they made wampum belts the wampum belt became treated as a mementum: both sides got one. They made a belt out of those wampums. That belt represented the effort of those people sitting down to use their minds to solve the conflict between their peoples and wampum became the symbol of that effort. A symbol more powerful than paper, a symbol more powerful than guns, it was a symbol of a people's successful accomplishment of coming to one mind about how they were going to go on from there in a permanent relationship of peace and tranquility between the two sides. The wampum said that all that had transpired to create the conflict had been resolved and all that could be done by human beings using their clearest thinking to create an environment for the future generations had been put together into that belt.

So those belts, Indians say, were sacred. They are as sacred as our sanity, as sacred as our ability to use our minds to solve our problems, as long as we believe that the principle is inviolate.

We believe that the agreements that we make between people using their intelligence to solve their problems is something that is part of our heritage. It is something that is part of our grandchildren's heritage as long as the belt lasts. And you'll notice that the belt is all but indestructible; only the sinews can rot, the belt beads would

people utilize this. The analogy about someone telling a story, then the story being told again and again so that by the time it gets to a dozen people it is totally changed -- that really cannot happen among a traditional use of the oral memory. The reason for this is because there is a built-in framework in the culture; it is not told as loose gossip."

Green contrasted that to the level of imagination used in written history, where the historian or researcher cannot possibly know all the facts. "Historians," he said, "put together as much as they can of a story and then have to try and fill in what is probable. The Indian oral tradition, on the other hand, is very exacting."

Green pointed to passages in the work of colonial historian Francis Parkman, where Parkman mentions the words to the "chief's roll call," where the fixed titles of the fifty Haudenosaunee *royaner* are written. The terminologies that are cited in that 100 year old text can still be heard, exactly in the formal speeches of the Longhouse protocol. He also cited an 1825 book written by a Tuscarora, Nicholas Cusick. "Many of the terminologies he uses are still in use today. A non-traditional historian may miss something like that."

"Whether or not an oral tradition is valid as a written tradition would depend on who does the oral tradition. If it is done in a manner, such as the Iroquois have done it for hundreds and thousands of years, then yes, it is accurate. That is proven out by the continuity of our ceremonies, that existed then and today."

"In our language, there is only one way to say something. You can't give an ambiguous statement. So, it would have to be accurate."

Another question of interest for the audience was about the nature of the denial of Indian cultural validity. "Why?" one man asked, "has there not been any major research done about Indian influence?"

Longhouse traditional chief Ron LaFrance answered this way: "They - whoever *they* are: anthropologists, archaeologists, historians - have always viewed our societies and our systems as being very simplistic."

LaFrance explained the intricacy of the ceremonial life of the Iroquois: "Just the condolence ceremony, when they put up the new chiefs, requires many cultural technicians, so that it is done accordingly."

Dr. Grinde, of Indian ancestry, pointed out that the idea of American Indians as representative of liberty and of the Iroquois government philosophy was current in American life into the late 1800s. "In the last 80 or so years the neglect and denial has been more complete," he said.

Then there came a "debunking" period among historians, Dr. Grinde said. "It became popular to trivialize the role of Indians during that period. Indians got written out of history." According to Dr. Grinde, "in many cases, scholars who have vested interests in maintaining certain Eurocentric theories about the Constitution

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last for centuries. They are a record of people's good will, a record of their thinking, a record of how we came to be the way we are, in a state of peace and tranquility with another people.

So the wampum went beyond money; it was more of an important kind of a thing than dollars. When, later, treaties were signed, they seemed to be much less permanent. They are signed on paper and, many times, they involve dollars. The treaties were written down in the tradition of American scholastic thinking: that somehow the written word is more sacred than if you speak it. This is obviously only believed by people who don't know anything about treaty history in the United States. In this context, the written word has been, I think, the most easily forgotten, the most readily erased, the most consistently violated that there has been.

The first Europeans who were present wrote down the happenings they saw at the meetings when Indians got together to discuss issues of conflict. There was a protocol that took place that was written down again and again and again, and the protocol was that the Indians extended to each other strings of wampums. The protocol required that the hosting party initiate the process by offering these wampums and speeches. The way they offered them was in a series of salutations, and the salutations are, I think, important to understand the significance of the wampum. The first salutations are there to clear people's minds so that they can conduct business. The words that go with this salutation offered that they brush off the bench on which the people are going to sit and then they brush off the person's clothing and take off the stickers and the things they acquired in the forest while on their way. Then, in a series of symbolic discussions, they wipe the blood from the clothes and the tears from their eyes and they take the lump out of their throats and the tightness out of their chests. And these are the words that are carried with the wampum. It's an interesting oral tradtion in that the other side is required, in the protocol, to return the salutations with the words, in acknowledgment not just that they heard, but that they understood.

The reason for this protocol can be seen clearly in the political ideology of the North American Indians. People cannot come to clear thinking if they are immersed in negative emotions, and when people are in the business of coming to a peaceful conclusion of a period of warfare or conflict, it is necessary that they first address their negative emotions so that they can think clearly.

It has always been amazing to me, if you look at the quotes that come from North American Indians that are remembered in the literature, the quotes by Seattle, Sitting Bull, and Black Elk, that Indians have acquired a

control the means of production for grants and for publications." He said some 80% of the National Endowment for the Humanities grants on the Constitution went to the study of John Locke's influence. "We also need to focus attention on the Indian influence. It is very rich ground."

Finally, Fadden asked John Mohawk to speak on the traditions behind the use of wampum as memory devices. On ten seconds notice, Mohawk, who is uniquely positioned as a scholar raised in the Longhouse tradition, provided a distinctive example of extemporaneous Iroquois oratory. He wrapped up the afternoon session.

As the discussion ended, the group called for more Indian efforts at producing curricula and for more projects geared to educating the national society about Indian realities.

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That an American Indian Studies Program could host a conference such as "The Iroquois Great Law of Peace and the United States Constitution" on behalf of a major American university is clear evidence of common ground "to build some kind of way to solve our problems using our minds," as professor Mohawk put it.

The idea is not new at Cornell, where there has persisted a tradition established in the 1920s to take Indian thinking seriously. At the welcoming dinner for the September 1987 gathering, University Provost Robert Barker, speaking on behalf of Cornell University President Frank Rhodes, reiterated that for the University, the "Cultural Encounter" series is a "very important program." Provost Barker indicated the university's commitment to support the study "not only of American Indian cultures, but also the effects of American Indian cultures in many different disciplines of the university."

Elsewhere in these pages, we have written that the "respectful exploration of native cultures could yet yield a bold and transcending new paradigm for human activity on Earth." We continue to join the call for Indian and other scholars to search out the conceptual and specific constructs of that Indiocentric notion. Toward that purpose, the Cornell American Indian Program projects the "Cultural Encounter" series through the 1992 Columbus Quincentennary, and will gather forums on contemporary native subsistence economics, Indian spiritual philosophy, eco-systemic cosmologies, natural resource practice, native languages, communications and teaching methodologies.

The idea is to make good on the attitude of Founding Father Benjamin Franklin, foremost American elder, to give the Indian civilization a fair hearing. The hope is to deliver a refreshing, front-line foray into the cultural universe of Indian country, from its deeper traditional cores to its own burgeoning native intelligentsia and its bridge to academia. This much-travelled territory, we believe, has yet to be properly charted.

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reputation for eloquence as a result of those people who wrote down the statements that were made by Indians. But I think that it was a tradition. There was a tradition of eloquence based on a way of thinking about something. I think the most famous of the quotes, the one that most people identify, if anybody could identify a quote by an American Indian person, would be the one by Sitting Bull in which he says, "Let us put our minds together to see what kind of future we can build for our children."

The process by which people came to the treaties of peace required that people recognized and acknowledged first of all that they were going to deal with human beings at a human-to-human level. They would put aside their hatreds, their fears and their negative feelings about those other people because otherwise it is not possible to conclude a peace agreement among humans. As long as there is fear and hatred, agreements between peoples don't create peaceful environments. I think this is important information because whenever I see, in our time, propaganda arise that begins to dehumanize somebody and begins to create within us a fear of them and especially the desire to create within us the belief that they are insane - then I know that the people who are setting up that propaganda are creating the pathway to violence.

When they tell us that a leader of a foreign country is insane, that he can't be dealt with, I know that we are setting the stage to try and kill him. I know that when we are told that a whole nation is utterly insane, that we can't deal with them at all, that they have no mental facilities, like us, that we are setting the stage to blast them off the face of the earth, or at least off the face of the Persian Gulf.

I also remember the tradition of the people of the Five Nations that our power to create peace and a peaceful resolution depends on our ability to see the other side, the other people's humanity. That unless we believe that they are sane, competent and coherent people, unless we can put away our fear and our hatred of them, we cannot use our minds to solve problems with them. We cannot negotiate with them. If we believe that they are crazy, if we believe that they are incapable of desiring peace in a coherent relationship with us, as long as we convince ourselves that they are less than human, we are powerless to use our minds to solve our problems. And this kind of thinking is a very cultural element in our world. There's hardly anything in the current-day American system that brings our attention back to that need to seek the humanity in those people who are potentially our enemies, to look for the common ground with them to build some kind of way to solve our problems using our minds.

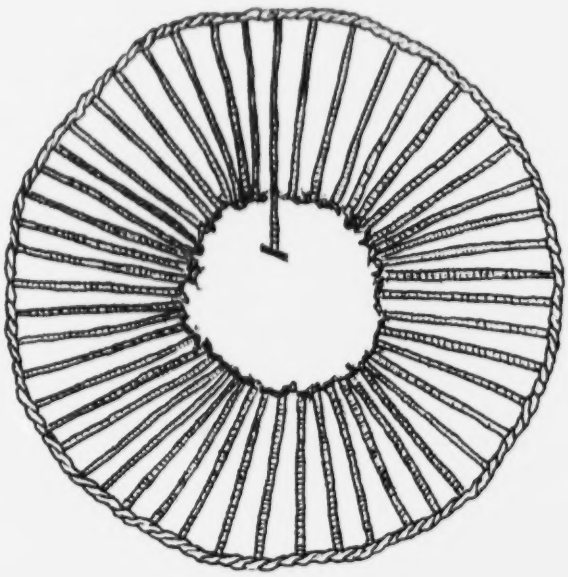
Drawing by John Kahionhes Fadden

This denial of thinking among peoples other than European peoples was so great that when these two worlds came together, the people who wrote the history wrote the Indian thinking right out of the history because by the theories of the conquistador, the Indian could not think, a burro cannot think.

JOHN MOHAWK

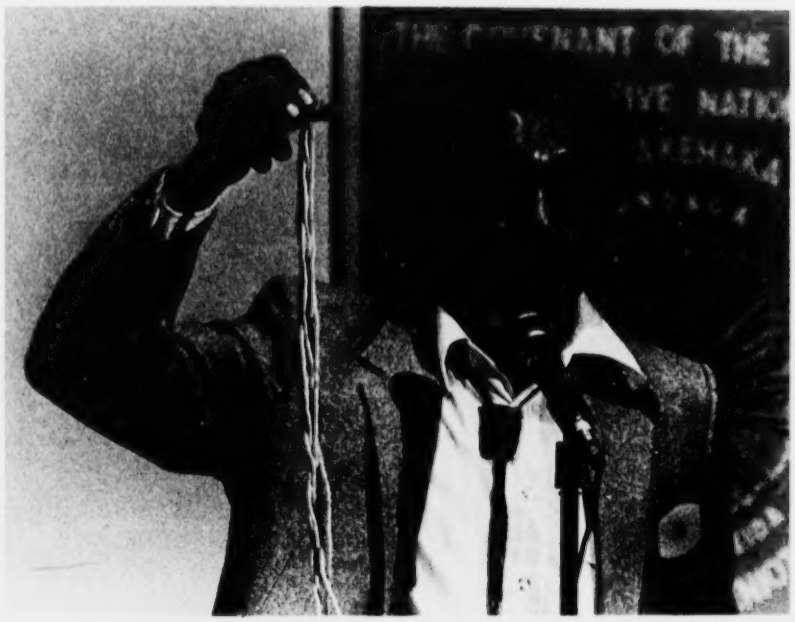
Section I

Haudenosaunee Speakers



Words That Come Before All Else

Jacob Thomas



Jacob Thomas, Cayuga, an elder from the Six Nations Reserve near Brantford, Ontario, holds the oral tradition of the Iroquois Great Law of Peace.

NEIQ Photo: Tim Johnson

As is customary in Iroquois gatherings, the Cornell "Great Law of Peace and the United States Constitution" conference was begun with a recital of the Thanksgiving Address. This address, which can take several hours to recite, is an acknowledgement of the full circle of Creation. It is a central prayer among the Iroquois and considered a foundation to everything in the human life, including the Great Law of Peace. An ancient custom, the address is given to help human beings living in society to achieve what the Iroquois call "one-mindedness." From the basis of that perception, in the traditional Indian view, a human gathering can be set to work consentually toward unanimity. Iroquois elder and chief Jacob Thomas gave the address in the Cayuga language. Ron LaFrance, Mohawk Longhouse chief, briefly explained the message.

I've been asked to translate a little bit of what Mr. Thomas has presented to us.

At our gatherings among the Iroquois people this salutation, or opening address, is always given and, in a way, is our preamble to our way of life, our society. The Thanksgiving Address acknowledges the whole universe.

We begin by acknowledging the people. We ask that we come together with peaceful thoughts, that we have not heard any words of any bad calamity or sudden deaths, and that we acknowledge each other as human beings. We ask that we come here with peace in our minds and good thoughts and that we extend greetings to each other. If you can look in your mind's eye, the address acknowledges the whole universe.

The next part deals with our Mother the Earth. It normally takes anywhere from a half hour to an hour and forty-five minutes if it is said in its entirety because everything is mentioned in there: all of the gifts that have been given to us by the Creator. As we go through it, we put all these acknowledgements in a bundle; all of the things that our Mother the Earth has given to us to sustain us, to make us strong through our daily lives.

After each passage there is a phrase that he says, and maybe some of the Iroquois folks sitting next to you sort of grunt, which means, "yes, I agree with what you are saying." It says that we are all in agreement, we still acknowlege all of the things that were given to us. We

acknowledge each other as human beings; we acknowledge our Mother the Earth — all of the things that she has given us.

We talk about the beings above our heads: the birds, the Four Winds that still continue in their duties, the Thunder, our grandfathers that bring the rain. We appreciate that they still hold a balance, they freshen the waters, and they sustain us again, so that each cycle that the Creator has created for us has continued on and those are things that we acknowledge.

Towards the end, Mr. Thomas spoke about a man that delivered what we call the Third Message to the Iroquois. His name was Handsome Lake and we acknowledge the message he brought us, so that this activity, this preaching, still goes on. Next week there will be a meeting in Tonawanda, as there has been every fall for about the last 100 years, when they send the speakers out to the different Indian communities to talk about the message that Handsome Lake received. This is to sustain our people again, because we are going through difficult times.

The last part thanks the Creator. In many of our nations we say that all the Creator wants is for us to acknowledge creation, that we try to remain peaceful not only between ourselves and among ourselves, but also in our minds and that we help the creation, that we protect it and that we nourish it. At the end Mr. Thomas reminds us that he was asked by the people to speak on our behalf, to deliver these words.

For many years I have heard, and many people here have heard, the same words by other speakers as they give the opening address. We start all of our functions this way and it sets a tone of agreement, not on every specific thing, but at least for peace in our minds, for keeping an open mind. We acknowledge the universe and each other and then we all agree to that.

Ron LaFrance, AIP Associate Director and Extension Agent, is a Wolf Clan chief on the Mohawk Nation Council.

NEIQ Photo: Tim Johnson

Everything has to be in Balance

Audrey Shenandoah

Audrey Shenendoah: "We breathe the air, we use the water, we share the space, and the balance must be looked at very carefully."

NEIQ Photo: Tim Johnson

Audrey Shenandoah is a clanmother of the Onondaga Nation and Recording Secretary of the Haudenosaunee Council of Chiefs.

Being born as humans to this earth is a very sacred trust. We have a sacred responsibility because of the special gift that we have, which is beyond the fine gifts of the plant life, the fish, the woodlands, the birds, and all the other living things on earth. We are able to take care of them. We are able to see, if we live right and follow our own instructions, that they might have a good earth, have good air, good water, a good life, just as we would have if we would follow the instructions of our Creator.

Humans have a sacred trust – men and women. The women within our own society have a special place, a special place of honor. We have the ability to bring forth life to this earth. We are given, further, the sacred responsibility of nurturing that life from the beginning, from the most necessary and important time in a human's life: from the time that they are infants and learning their first things about living, the first ways that they must treat one another as humans, the first ways that they are to survive.

In the days past, a long, long time ago, we have all read how the women had such a big responsibility of taking care of the gardens. They did the gardening, they did all that is called hard work, what actually was an honor. While they were home taking care of all the little children, everybody's children, the women of the village taught them all the things that they had to know in order to survive on this earth. They taught them how to look after one another, they taught them from a very young age what kinds of food were good to eat for them, what kinds of foods were not good for them, and they taught them medicine from a very early age. The children up to an age of, let's say, eight or nine years were in the trust, the responsibility of the women.

The gardening was not specifically labeled women's work by our people. There were always men and male children around who helped and did the harder work, because there were always some men who did not go on the hunts, some men who stayed behind to help the women, and taking care of the gardening was not the big chore that some people believe it to be. Today, women still do much of the gardening around peoples' homes for those who plant.

So when the children became of an age that they went out into mixed society and began to learn whatever their natural talents led them to – some people became singers, some speakers, some dancers,

some workers – they just seemed to know how to do all kinds of things. For a while they went about learning these things and practicing them from either men or women, whoever could see what this person was designated to become. And then when it came time to learn the man things – the hunting, and all of those things that took them away now from their home, away from the village – they were prepared to meet life in the wilderness. The women had taught them all the things they needed to know about preparing food, taking care of each other and all of the things that I mentioned before.

When it came time for a young man or a young woman to be married, to join with another, and to lead a life of their own and make their own family, again it was the women's responsibility; it still is the women's responsibility to give them the instruction. The women were the ones, in the old days, who chose a mate for their young people and still, today, it is the mothers who must give their consent when a young couple are joined together, to lead a life together – marriage they call it in English, making a home and a life together and taking care of one another is what we call it in our language. As time goes on and little children come to the family, again the grandmothers, the aunts, have the responsibility.

Taking care of little children is not a job or a chore; it is something people enjoy doing. There is a special bond between the grandchildren and the grandparents or aunts, anyone who has grandchildren knows this. And as life goes on, and now the young people reach an age themselves when they are going to leave this earth, again they are prepared by the women. So, all through a person's life, from the time they are conceived, from the time they are born, until the time they leave this earth, their care is truly in the hands of the women, the mothers of our nations, and that is a sacred trust.

We, the Haudenosaunee, have a matrilineal system among our nations. When they have a family, the mother's clan determines the clan of her children, and so we have a clan mother. Before assimilation took so many of our people from us and into another world, it used to be that the eldest woman in the clan was the clan mother. She must perpetuate the ways of our people; she must be able to teach the ways of our people to the young people. She must be able to look out for large numbers of people because now, all of the clan people are one family. And so, because of the changing of the times, in these days we don't necessarily have the eldest woman being the clan mother of certain clans, but the eldest *eligible* woman. We cannot have someone teaching our children our traditional ways who does not follow the traditional ways themselves and cannot perpetuate this way. Some have followed a foreign way, maybe they have become Christianized, or maybe they are following, let's say the government of another country, the United States. They cannot be truly one of our people because once a person begins following another way of thinking, their thoughts can become divided, their thoughts cannot be pure and clean anymore, totally for the people, for the good of perpetuating the traditions which are so important among our people.

The women within our own society have a special place, a special place of honor. We have the ability to bring forth life to this earth.

The ways of our people are important because these are the ways that have sustained our people from the time of contact until today. Among our ancestors, the traditionals were the strong ones, the ones who kept to the ways of our people. They were the ones who did battle – not necessarily only physically. Our leaders are still doing battle today. They are not armed to the teeth with weapons of war, because of the message of peace that came to our people so many years ago. We know that they were the strong ones, these are the strong ones here today. They are younger maybe, but they know the ways, they have followed the way of our elders, and so these have to be the people that are going to hold our people together. These have to be the kinds of people who are going to be able to sustain, to survive and to teach our young people to survive. So, a woman who is designated to be leader of a clan must have these feelings and they have got to be intact, otherwise the clan and the nation are in danger.

The clan mother's duties have to do with the community affairs, the nation affairs, but they also have another role and that has to do with the spiritual side. I have already said that they must perpetuate the ways of the Ongwehonwe but they must also set ceremonial times and be able to watch the moon for our people. We don't have many people any longer in this time who can communicate with the stars and the moon in the ways that they did when they were still pure and strong. We watch the printed calendar like you do now, but we still have those people who must watch the phases of the moon, who know when it is time to call the faith keepers and the women together to sit, and to set the time for the ceremonies which are held at various times throughout the year. So this becomes another duty of the clanmother – she must watch these times and always be ready to call the people together when it is time for a ceremony. She must be ready to call her clan people together if a person from another clan has suffered sickness, some kind of tragedy or emergency. Any time a family

needs help the duty of the clan mother is to tell her people now this family over here has had some trouble come upon them, sickness or whatever, a death in the family. She must designate people in her clan to go over and help that family, for it is our way that we do not leave a family alone in time of trouble, we must be there to help them. And so, that becomes another duty of the clan mother.

The clan mothers also have a duty of watching out for the young people. I said when the young people are married, it is up to the mothers to give their consent. The mothers are the ones who bring them with their basket to what is today a marriage ceremony and so if this young couple runs into problems, as everybody does, differences of opinion, many reasons that they would need help and support, the clanmother has the duty again of being there to support these young people who have found themselves in need of help.

All through a person's life, from the time they are conceived, from the time they are born, until the time they leave this earth, their care is truly in the hands of the women, the mothers of our nations, and that is a sacred trust.

The names within all of our clans are handed down, from generation to generation. The clan mother also has that duty. In our language they say she has a bag of names by her side. When a new baby comes to her clan she must reach into that bag and pull out a name. So the clan mothers also have the privilege and the responsibility of naming the young babies, the young people in their clans.

In these days, we have many young people who were not born into our traditional way, but after they have the ability to make decisions of their own, when they become mature enough to make their decisions about what kind of a life they want to lead, they come to our longhouses, all through our territories, and have this name given. When they are grown up, mature young adults, they come with a desire to have a name within their clan and this is given because we never turn people away from our longhouse or from our way. Those of our people who wish to come back to that way, who find something lacking in the inner self, because they have missed the things the grandfathers could have taught them, are all welcome to come back. They come and get their names, they learn about the ceremonies, and they begin taking part.

Each clan has a clanmother who has the duty to select the leadership of our nations. In English they call them chiefs; these are the leaders of our nations. Each clan has its own leader and the clanmother is, again, responsible for selecting a candidate to lead her people. To be a person worthy of that trust, I believe, to be a person who is given all of this responsibility is a very honorable position within our society.

Sometimes our young people become confused. In the last few years it has become a trend for women to feel that they need to do something to become more than a woman, or more than what a woman's responsibilities are. But this is something that we have always had within our society. Women have always been able to do anything that they are physically able to do. There have been, as I mentioned before, no labels to say that this is women's work, and this is man's work among our people. It has always been a balance, a cooperation, and so when I say that the women, the clanmothers have the responsibility of selecting a candidate to lead our people, selecting the leadership of our nations, that is a very honorable position. But, it does not mean that she is now going to be the one who is going to tell him what to do. She must work with him; a balance has to be there. She must work with him and they, together, work for the will of the people. Whatever the people want is what they must work to do, for the good of the people.

There are many duties, probably some that I have not mentioned here. For the cooking of the food at ceremony time, the clanmother has a faithkeeper who stands beside her. She has the duty of preparing food so that her chiefs and her people will always have food, the children will always have food. Some people, I have read many times in magazines, have dared to write that preparing food and looking after food is looked on as some kind of a lowly position. Taking care of the children and keeping house can be looked at by some people as a lowly kind of a position, a lowly kind of a job, not very important. In our way of life, it is very important, one of the most important jobs that a person can have.

Now, I don't mean to sound as if they exclude the fathers altogether. I don't mean to sound as if the men are, let's say, put into a position where they are not as important. Everything has to be in a balance, just like the Thanksgiving that was given at the beginning of this meeting here, this gathering. The balance of everything in creation is what allows us to continue to *be*. The balance is what allows us to continue to live. We breathe the air, we use the water, we share the space and the balance must be looked at very carefully. We must try to keep that balance.

Within our society we maintain a balance between the responsibilities of the women, the responsibilities of the men, of the chiefs, of the faith keepers. All the people in between have a special job to do to help to keep this balance so that at no time do we come to a place within our society where anyone has more

power than any of the rest, for our leadership all have equal power. They must be able to listen to one another.

Speaking and listening are two fine arts that are much forgotten in today's society. We do not know how to listen to one another anymore. We don't know how to listen and hear the people who have the good things to tell us. All of these things have to be kept in the balance – the listening and the speaking, the male and the female, the clanmother and the chiefs, and all of the people in between. And so, as a woman within my own society, I have never had the desire or the feeling to join these great big congregations, conclaves of women who are trying to get what I guess they call equal power. They all have the power; they only need to assert themselves. You do not need permission from anyone to do what it is your inner person tells you that you must do. The only thing that people leave out is the spiritual side. That is the guideline that our people must use to choose the leaders, to choose the faithkeepers, to choose the clanmother who is going to look after the clan family. She, in turn, will choose a candidate for leadership, a chief to look after his nation. The spiritual side of these responsibilities that I have mentioned tonight is the most important part. It's the very foundation of everything that would allow this system to work peacefully.

I was asked, I don't even remember how many years ago, if I would sit in for awhile and take notes for our Grand Council when they meet. I have a large family and at that time my children were very young, and I didn't have the time to do the many things, the many trips and the outside work that it would take for a person to do justice to the job. But the man who had been the former secretary became sick and could not do the job anymore. Because I had attended meetings as much as I could ever since I was 15, I attended our Grand Council. The old ones knew me and those coming up knew me, and I was asked if I would take their notes and become the Recording Secretary for the Council.

I was raised by my grandmother. She was very old when I came to her. I was an infant, nine months old, and she was 56 years old when I came to her. She did not speak English at all and all of her friends, of course, spoke in our own language when they visited. All of her friends were old people and I think that I am very fortunate that I was able to grow up in that kind of environment. They talked about the old things; they talked in our own language all the time. My grandfather was Mohawk. His family used to come down and visit, and stay all winter. People used to do that a long time ago, do a lot more visiting than we are able to do nowadays. And so I learned Mohawk that way.

My grandmother's father was a Seneca so she had many relatives from the Seneca Nation who came also and visited for long periods of time. So I consider myself very fortunate that I was able to grow among people who spoke nothing but our own native languages in our house. And so, because of that I have been able to work as Recording Secretary for the Grand Council of the Haudenosaunee and I am thankful that I can be helpful in any way.

When Council is held we use our own language. But we have many people who come to listen to the Council who cannot understand our language. So, from time to time today we use the English language so that people can understand exactly what is going on. However, the leadership, the chiefs, as they sit in Council, use our own languages as they speak and send the messages across the fire.

I think it is good that young people can get together like this in these learning institutions and bring this knowledge to other young people who are out to learn about other people. I think people learning about other people is one of the most important things that can be happening today because it seems, as I talk to many, many different kinds of people that everybody wants to live in a peaceful world. Everybody wants to look for a way that we might live in peace together. People learning to know other people, to know other people's ways, is one of the ways that can bring that time closer and closer to us, so that maybe our children and our grandchildren can have a realization of people working together and communicating in a peaceful way.

The ways of our people are important because these are the ways that have sustained our people from the time of contact until today. Among our ancestors, the traditionals were the strong ones, the ones who kept to the ways of our people. They were the ones who did battle – not necessarily only physically. Our leaders are still doing battle today.

Men Who are of the Good Mind

Tom Porter

Tom Porter: "Grandma ... she had eleven kids, strong worker, wasn't afraid of nothing, spoke nothing but Mohawk and the always used to smoke a pipe."

NEIQ Photo: Tim Johnson

Thomas Porter is a Bear Clan Mohawk from the Akwesasne (St. Regis) community. He is director of the Akwesasne Freedom School and a recognized traditional orator.

The chiefs or leaders are the most humble ones and they are the poorest people of all of the nation because they are always giving, always giving, of themselves to all the people of the nation.

First of all, I think what I would like to tell you is that the word chief in our language means a position or office. We call it *royaner* and if there are many of them we call them *rotiianison*. If we take that word apart, what does it mean?

It is coming from the root word *ioianere* which means, in English, *nice* or *good*. And then when you put *io* at the beginning of it means it is masculine or a man who is *of the nice* or *of the good*. And so that is literally, when translated into English, what Iroquois people think of their leaders – those men who are of the good, and that is literally what it means.

But, in the history books, in the television shows, and in the documents that have been recorded, the intellectuals who have observed our people throughout the years, studied us and tried to communicate to the outside world what we are and how we think, were successful maybe 50 percent of the time and the other 50 percent of the time they were way off track. So, when you say anthropologists, archaeologists, or somebody who studied Iroquois, what we think, right away is, "Oh no! Not another one."

I know that it is supposed to be a high profession with a Ph.D. and doctor this and doctor that, but to an Iroquois when you say those words, it doesn't mean that at all, it just means, "oh no!" I don't make these remarks in any means to be degrading but merely to tell you, in fact, how an Iroquois thinks. So my apologies to anyone who has a Ph.D.

I would like to make, I guess, another clarification. Before I talk about leaders, *rotiianison*, which in English translates into *chief*, maybe we ought to expound upon that just a bit further. The word "chief" kind of makes you think of a fire chief or a kind of big man, but it is not at all what an Iroquois leader is. Perhaps that might be one of the first things attempted by the intellectual people of the world – that is to translate properly from one culture to another culture exactly what is meant and then there would be more grounds, and easier means by which peace could be achieved.

It is a wonder – I was thinking as I was sitting there and I was looking at all of you people, elder people, younger people, I think that it is a wonder – and I say this statement in the strongest of terms – that it is a wonder that of all of the things that have occurred in history, to the Iroquois people, it is a miracle that

there are any people left in the Iroquois today – it is a miracle.

If any other people in this world had to go through what they have to go through, my grandfathers, myself and my children, and what is going to happen to my grandchildren if they come and that won't be probably too long, it is going to be a miracle again if we can still say "I am an Iroquois, a Mohawk, a Seneca, an Onondaga, a Cayuga, a Tuscarora, or an Oneida."

So, that is the first Mount Everest that we must recognize, just to be thankful that the Iroquois are still here and to be thankful of their great efforts over the years to retain their culture, to retain that language, to retain those clans, to retain those midwinters and the whole spiritual year of the Iroquois people. To give hope to their children when the outside world is such a big ocean of influence that every day makes waves that are as tall as the Empire State Building and we stand at its first floor door – it is a miracle.

And so it is in that way that I want to begin to speak to you today, this evening about the Iroquois. I do not proclaim in any way, to you or to anyone, that I know lots of things about the Iroquois, about the Mohawk. I am not a doctor, I am not a lawyer, I am not an engineer, I am none of those things. All I am is a young man who has children, who had a mother, a father just like you all did, a grandmother, and a grandfather, and uncles and aunts. The only thing that I could say is, I don't know about everybody else, but the only thing that I can remember and that I can share, and which I often do, is the stories that I heard, the interpretations that I heard Grandma talking about, the stories that my Grandfather talked about, the stories and the histories that was old chief Alec Grey, old faithkeeper Paul David who are now in the spirit world, used to talk to us when we were just little kids in our longhouses.

I remember not too many people listened to them, really. I mean everybody paid respect and there was a command of obedience by everybody being quiet, but when I say not many really listened, I mean that it went in one ear and went out the other to many, many people. But, I remember in our longhouse, years ago, when I was just a kid – because Paul David was my grandfather and all of those old chiefs that are passed on, those leaders, those faithkeepers, they was always telling us, all our clans as we sat in those midwinter ceremonies, maple festivals, strawberry ceremonies, green corn ceremonies, harvest ceremonies – they used to tell us, we want you young people, my nephews and grandchildren, to pay attention everyday to what's going on, we want you to listen when the faithkeepers are talking, we want you to listen when the chiefs are talking and making council.

We want you to pay attention, and put away in your body, what clan you belong to. We want you always to speak your language because all these ceremonies have to be spoken in our language, not English, French or German, or Yiddish, or any other language. It's got to be done in Mohawk, Cayuga, Seneca, Onondaga or whatever, because there are many things in this world that the English do not know or have a word for it – only Mohawks do because we have our own world that the Creator gave to us.

So those old guys taught us: you young people listen, when those singers come to sing, dance the feather dance or drum dance, or all the different ceremony dances or spiritual dances, we want you to listen to them when they are singing because one day it is going to come, and it will come very quickly. We who are speaking to you today, we'll be leaving this world, we will have ripened our humanity, and we will become old and it will be time for us to leave as it is the nature to do that way and then when we leave, it is up to you guys, you ladies to become the next ones to sit in those chairs. You will be the next ones who will sing the spiritual song for our people to the Creator.

It will be you young guys and girls who will be marrying the young men and women. It will be you people who will have to name the babies and bury the dead, and all those speeches that go with marriage, that go with burying of your dead, or to perform the different rituals of sicknesses through the different societies, all involve long speeches, very long speeches of organized fashion. The old people said, you must know what you are talking about in order that someone should get well, or someone is going to get married. You must know what you are talking about so that their marriage will prevail and persevere for many years.

We just had, two weeks ago, in our longhouse in Akwesasne, our green corn dance and as we were sitting there in our longhouse, the people come there dressed up in their clothes, in the Mohawk clothes, moccasins, to give thanks to the green corn which will sustain us throughout the winter. As we sat there, that is what I thought about. I looked right over there in the north end of our longhouse and I saw, actually sitting there, those old chiefs that are passed on even though they are passed on. And I looked to this east side and I saw the certain clan leaders and faith keepers still sitting there at our green corn and a great sadness came over and I remembered what they used to tell us as kids, and by golly, there we are singing those songs now, marrying those people so babies can come to the world and burying those of us, our people that have passed on and barely being able to do it the right way, and there we are.

And so it was very true what those old faithkeepers and old leaders told us and so I want you to

know that too. When you talk, I'm going to tell you too, that I am not a chief. There are laws, very strict laws that our ancestors were given by the Creator. A great messiah was born, hundreds of years ago, that brought the Law of Peace to the Iroquois nations and that prophet, that messiah, performed wondrous miracles in his name to show the Iroquois nations that he, indeed, was a spiritual power. He had to do this because the Iroquois were a very stubborn people, as yet today it is still the same case. Maybe that is why we are still here.

You will be the next ones who will sing the spiritual song for our people to the Creator.

But, at any rate, sometimes a man like myself will sit in Council for an old chief. The chief that I was sitting for, he was passing away a year ago last February; he was 97 years old. He sat as a chief in the Mohawk nation for over 55 years and he passed away. When he passed away, for about 16 years or 17 years I was sitting in his position on our Council in our nation in Akwesasne because he was going hard of hearing. In our Constitution of the Confederacy says that a leader must have full hearing, must have full eyesight, must have full physical ability of the body, must have his full facilities in order, because they have a big responsibility and they need all those to do that responsibility.

So he passed away a year ago February, probably one of the world's finest men that was ever born. He was just a little man, but he was always kind no matter when you went there, he always fed you, he always made tea for you, and he always talked for a couple of hours, and joked and always made you feel good – that was one of our leaders, real leaders. When he had passed away he is no longer in that position, he has been buried, so there is no more chief for him because there is no more there, he is dead. And so I was free a year ago in February of that position which I did hold for about 16-17 years but my clan put me back there which, according to the Law, is not really supposed to be.

Audrey alluded awhile ago that today in modern times we try to do whatever best way we can do to maintain and keep the ship afloat and sometimes what we do to do that isn't always what keeps it afloat and sometimes sinks it. So I just wanted to make that clear that all I am today is an interpreter and helper to our chiefs in the Akwesasne Council. That's all I am is a helper.

But, let me now talk about what my grandmother told me about chiefs, what my grandfather told me, my uncles told me, what I heard Jake Thomas over the years talk about, what I heard old chiefs who are no longer here talk about to me. But I am going to tell you the honest truth that I am 43 years old and I never heard our Great Law in my life from beginning to end and that's the truth, I never did. I did, however, hear from Grandma some parts and interpretation of sections of it, and I heard my uncle say other sections of it, and I heard those old chiefs say other sections of it all through my life. And so maybe you might say that I probably heard the whole thing but not in order from *a* to *z*, but sometimes *b* to *t* back to *b*, but it is all, but it all went through my head at some time or another in interpretations.

And so let me tell you what Grandma talked about, and I want to acknowledge Audrey too, what she talked about. I am married to a Choctaw Indian from Philadelphia, Mississippi and I know that many of you here have a United States world and hard to understand and see beyond geographical boundaries of the United States of America, so I know that the Iroquois are even in that geographical boundary, but yet the world is different for us. But my marriage was matched up by my grandmother through spiritual means, and I've told that ever since for many years, my grandmother did that through medicine found my wife for me, through a spiritual means. And so I am lucky because I have such a wonderful grandmother, she was passed on about eight years ago, and in order to understand Iroquois you've got to talk about Grandma too, and you've got to talk about all the old people that you knew, otherwise, you are not telling about Iroquois because Iroquois means old grandmothers, old grandfathers, uncles and aunts, cousins, brothers and sisters, when you say Iroquois, it means all that, and little kids running around, that's what it means when you say Iroquois.

So, Grandma, she used to wear an apron all the time, she had 11 kids, strong worker, wasn't afraid of nothing, neat, neat woman, spoke nothing but Mohawk, not a word of English, and she used to always smoke a pipe. Any time something happened, a problem or a little bit of confusion in the family or in our community, she would grab her pipe and she would grab her tobacco bag, and I am not talking about regular tobacco, I'm talking about special tobacco that the Iroquois nations all have which we call our sacred tobacco or our ceremonial tobacco and she puts it in that pipe, and she used to sit on her rocking chair with her apron on and her pipe with that sacred tobacco, and the whole house would get full with smoke and she would, what you would say in English, pray. She would ask a request from the powers of the Creator's world a help to get us through this calamity or this problem whatever it was and that's how I remember Grandma. You couldn't keep a secret from her, I don't care what you did.

Well, anyway, this is what she said, she found my wife for me and we have four kids now and she is a really good woman, and what Audrey is saying I am going to back it up. I think my own thinking and I don't care if anybody agrees with me, it doesn't matter, but this is the way I think. I think, and I wrote an article not too long ago about it because they asked me to at home, about men and women, about marriages, this so-called 50-50 proposition – I think it's a bunch of baloney! It always was, and it always will be; there's no such thing as 50-50 proposition. I am going to tell you it's my opinion as a Mohawk man that a woman, in marriage or otherwise, pulls at least 80 percent of the work and the responsibilities on this earth, 20 percent maybe to the men, if they are lucky. So women anywhere in this world, I will honor them. I will be the most grateful to the women of this world because I know that is a fact, and how come I know that? Because I am married to a wonderful woman and my grandma was a wonderful woman and my mother was a wonderful woman, and my aunts were wonderful women and I knew them for many years and I know what they do. No man can match their stamina and their endurance and their kindness. So to the women all here, I give you my honor and when you leave here tonight and you rejoin your families, extend these greetings to those women who are at home.

Now, this is what grandma said. A chief, a *royaner*, what does this mean? He who is of the *good* is this. You must look when the kids are small. You start to look at them, she said, when they are little ones, even just little babies. Is that baby mean? Does he have a mean streak in him like an outburst, impatient, does he get angry fast? Is he possessive in his infancy? Does he pull his toys or whatever he has away from others? The women leaders look at that when they are going to choose men leaders when they grow up. So, they start when they are little kids, to start to read if that human being is, indeed, going to grow up to be a full fledged leader, so they start when they are little boys and they watch them very carefully.

And then, over the years as they are growing up they watch their behavior too. How do they interact with others growing up? How do they interact with their old people, and so on. Then he grows up. Does he like to go to the ceremony at the longhouse? Does he like to do the midwinter game there? Does he belong to this kind of society or whatever? What does he do, is he spiritually connected to this world? That's all taken into consideration; that's what my grandmother said.

Then, when that young man becomes a man, if he's going to become a leader, my grandmother said, the old law says he has to have a clan which you get from your mother and your father has a clan, a different kind of clan and then that's when you're born you have two clans, one from your mother and one from your father's side. There's a term in our language we call for that, but you have to have two: one is your mother's side, one is your father's side, and they have got to be different clans. Then that makes a good candidate to become a leader because it means his bloodline is free from incest or any kind of that stuff.

Then she said that chief, he has to be married. Before he is a leader he has got to be married first and have children; then he has some qualifications to become a leader. He must be a man who never likes to fight, or to hurt somebody, that is the kind of man who has to be a leader, that's what she said. She said now, this leader, the reason he has to be married and have children is because that is where the natural kindness of one's heart is exposed or shown to the world or to the community or to the nation. When he has children a natural love occurs. But if a man were to be chosen to become a leader who was not married or did not have children how is he going to love his country ? How is he going to love his people? He will not know how to do, it's too risky.

The old people always told us: We want you young people, my nephews and grandchildren, to pay attention everyday to what's going on, we want you to listen when the faith keepers are talking, we want you to listen when the chiefs are talking and making council.

She said that this man, he must never have killed anyone, never have been a killer; whether it was a war or anything, he cannot have been involved with that. And then when he is to become a leader, there is no such thing as 9 to 5 in that leader's life. There's no such thing as that, not in a real leader. Our leaders are considered to be the same as the King of England, the same as the prime minister of any country, the same as the president of any country, or whatever leadership title you want to put on him, regardless of what kind of society, our leaders are considerate like that.

So, any time any of the people, my grandma said, needs the advice of the leaders, even if it was two o'clock in the morning and something critical happened to them, that person can go to that chief's house. Two o'clock-three o'clock in the morning, they're all sleeping [he makes the sound of someone knocking on the door] and that chief, a real chief is going to get up, he's going to open that door, and

he's going to see that person who has a problem and who is in trouble, and then that chief is going to open that door, and he'll say *come on in*, that's what he told that person. Then he'll make some tea or coffee, or something to give to them and then he'll say *Ta sa ta we iat, come in.* That means it must be a very important issue what brings you here, or what you're bringing here. Have a chair over here, let us talk. Then he is going to talk to that person even if it is three o'clock in the morning. That's a real leader, that's a real president, that's a real head of a nation of people, and that's part of Iroquois leadership.

An Iroquois leader must know how to speak, and not be bashful. He has to be able to speak loud and clear so everybody can hear. He has to know how to talk about the marriage, about the midwinter, about the spiritual things. And if he has to talk to the President of the United States or the Prime Minister of Canada, or I don't know what Russia calls their leader, but Mr. Gorbachov, the leader has to be able to do those things, political and spiritual. Because in the Iroquois world there is no such thing as political leaders and over here you have your spiritual leaders, no such thing. Everything is together – spiritual and political – because when the Creator, whoever the Creator is, made this world, he touched the world all together, and it automatically became spiritual and everything come from that world is spiritual and so that's what leaders are, they are both the spiritual mentors and the political mentors of the people.

And those leaders are just that, what it says, *rotiianison*, those men who are of the *good*. That is the best that I can summarize to you, and it is true, no matter when anybody has a problem they are going to go see the leaders, day or night. No matter how small the problem, you never say come back another day, I got headache. No, they are first. That's why they say when leaders are put up then they start to carry the biggest load in the world on their shoulder. And they are the ones, my grandmother said, who are the real leaders.

She used to say – I like to remember the way she used to talk about it – she says – this is what she used to tell me. She said if you were to recall in the old, old people's telling of the chiefs or leaders, those leaders are the most humble ones and they are the poorest people of all of the nation because they are always giving, always giving, always giving, both materially, psychologically, spiritually, and politically of themselves to all the people of the nation; they are always giving.

And so consequently, when you go into a community, you will know where the chief lives because they will have the smallest, the most humble house of any in the whole nation, and that is how you will know where there is a leader. I don't want to continue much longer; time is going on and there are many great speakers here, but I want to thank you for affording me this short time to tell you how proud I am about my grandmother, my wife, the old faithkeepers, and the old leaders of our clans who are not here anymore. I just hope we have the guts to go on. Thank you.

Because in the Iroquois world there is no such thing as political leaders there and over here you have your spiritual leaders, no such thing. Everything is together — spiritual and political — because when the Creator, whoever the Creator is, made this world, he touched the world all together, and it automatically became spiritual and everything that comes from that world is spiritual and so that's what leaders are, they are both the spiritual mentors and the political mentors of the people.

Audrey Shenandoah, Tom Porter, and John Mohawk at Opening Session of Cornell conference.

NEIQ Photo: Tim Johnson

The Indian Way is a Thinking Tradition

John Mohawk

John Mohawk: "Hardly anyone can name a philosopher who is not a Western philosopher. It is almost as if there were no great thinkers except the thinkers of the West."

NEIQ Photo: Tim Johnson

As this evening got under way, it dawned on me that something happened this evening that for twenty years I have studiously avoided and that is following Tom Porter.

I want to underline something that he was saying – I think it is very important. Sometimes when I go out and talk, I am introduced as a faithkeeper or something. I'm not; I don't have any title, and when Tom was talking, he was reminding me how lucky I am that I don't, because the people beat up on the chiefs and the clanmothers.

I think it takes lots and lots of courage and determination to hold one of those positions, because in the Iroquois traditions when he talks about carrying a load, the chiefs are supposed to have skin seven thumbs thick, and I don't think it means the width of the thumb, it means the length of the thumb because the chiefs really have to withstand a great deal of criticism and an awful lot of pressure from the people. And we know, not everyone can do that. It takes a great deal of determination and an awful lot of understanding to carry out the rules that the traditional leaders are required to. It is fortunate that our world still has people who are willing to do that kind of a job.

I want to talk a little bit this evening about how our worlds got to be the way they are. To do that we have to have some little inkling of how our worlds once were.

I believe that we are living in a world that is a product of a confluence of two other worlds, and we share that reality. We live in a variety of situations and perspectives on our contemporary reality, and people who live in the Iroquois reality have their own understanding of it. And even from community to community, people's realities are a little bit different. But, generally speaking, our population of North America lives in a world which is a result of a confluence of two worlds, and we seem to know so little about the previous worlds. We know so little about what this world is really about, what its roots are. I want to spend a little bit of time talking about that because I think tomorrow they are going to spend some time talking about the specifics. I want to spend some time talking about generalities. So, I am going to talk about each world separately for a couple of minutes, and then we'll talk about the confluence.

Back during the medieval times, there was once a great debate that arose in Europe; some of you might have heard about it. It was a debate that sought to answer the question of how many teeth are to be found in a horse's mouth. This debate lasted for years. The great scholars of the great universities of Europe met and discussed it and papers were passed, and I am sure Ph.D.'s were earned. The discussion went on and on while the scholars sought the body of knowledge that held the answer to all of humanity's questions. They searched the writings of the Greek and Roman scholars of antiquity, the philosophers, and then they searched the holy scriptures. These were the legitimate sources for understanding the world in the 14th and 15th centuries and this is where people went to look for the answers. After a

considerable and vigorous search they concluded that it was not possible to discover the number of teeth in a horse's mouth because it had never been placed in the body of information that stood as human knowledge.

Then, we all know, in 1492 Columbus sailed the ocean blue and he discovered, they heard, Indians. But, we all know he didn't reach India – we all know that, and we all know that his effort to find a new world was not the first effort. At least we *should* all know that. In fact, there is some evidence that there were a number of people prior to him that had gone across the ocean and had reached land. But Christopher Columbus was really special because he was on an official voyage, and he made an official report when he got back. He reported that the people he encountered were Indians.

For a number of years nobody dared counter it. People who were mathematicians knew that he was about 3,000 miles short of where he said he was going when he reached land, and people who had been to India before and heard his description pretty much knew it wasn't India. Rumors started going around that it was not India, but it took along time for anybody to say so.

The reason it took so long to say so was because the world that existed at the end of the 15th century had a rather narrow scope of liberalism when it came to people who suggested that there might be things in the world that deviated from their sense of propriety. They burned you if you suggested that all of the world's information might not have been in the writings of the Greek and Roman philosophers or in the holy scriptures. The information that people and continents existed that were not included in the Bible or the writings of the ancients not only suggested that those writings were incomplete, it challenged the basic premise that all the information that God intended humans beings to know about the universe was contained in the scriptures.

That raised the question of what else was not contained in the scriptures. It brought on a crisis of faith among the European peoples of the 16th century who then sought to find out for themselves what was contained in the holy writings. They set forth a revolution that divided the European spiritual world. Just that alone, just the fact that there was a world that people knew nothing about, that they called the New World, changed the Europeans' ways of coming to knowledge.

One time I remember hearing people talk about how much the Indians have contributed to the material culture of the present time by looking at things that Indian technology created that we, today, benefit from. The list is long. It includes corn, potatoes, peanuts, peppers, tomatoes and all kinds of food products. It has different kinds of things like snowshoes. But the real contribution of the Indians to the Modern World was that the Indians, by their existence and by their thinking, transformed the Europeans of the 15th century into the Euroamericans of the 20th century.

Things have changed. They have changed irreversibly. They have changed in such a way that the Europeans, the Euroamericans and the Americans today, are as different from their 15th century ancestors as their ancestors were from the Indians they saw standing on the sands of the islands of the Caribbean in 1492. The smallest evidence of this is that no one today would hesitate for a minute to count the teeth in a horse's mouth; that's just how we do it.

For those people standing on the shore watching those ships come across the ocean, it was a different kind of process. It is really hard to imagine how those two could have been so far different from each other as they were – how people of the same species could arrive at the same place at the same time with such extraordinarily different versions of reality, different experiences of the world, different ways of viewing things, different ways of knowing what was real – as those Indians who were inhabiting the North American forests and those waves of differing kinds of Europeans who found their way across the Atlantic Ocean.

From what we know – and I think it's extremely important that we know, that we understand the significance and the importance of this – the Indians had a tradition of law and the Iroquois are our surviving example of it. The Iroquois possessed a tradition of law, and that tradition of law is what has created them as a people. That part is definitely true, but the Iroquois tradition of law is not a tradition of law, exactly. The Iroquois tradition of law is a tradition of responsible thinking. It is not something written in paragraphs and lines because it doesn't matter whether the letter of the thing is right. The questions that have to be before the people are *what is the thinking? Is the thinking right?*

At any rate, standing on the shore were a people who had suffered through a period of catastrophe, a social catastrophe and a chaos which I suggest to you is quite different from anarchy. They had suffered a period of chaos in which their systems of negotiated settlement had broken down to the point where they no longer had those systems. When people tell the story of the coming of what they would call the "Law," they talk about a period of complete chaos. During this period people killed one another in revenge feuds. Then one person arose who put forth a very interesting argument, one which would have found its way comfortably in the Athens of Plato, because he began it with an almost Greek philosophical point. He said human beings have the capability of thinking, and because they are able to think, human beings can reach the conclusion that peace is a more appropriate state of being than war, and that all human beings who are

capable of thinking will want to find ways to reach peace and the absence of violence. He said that peace is not only the absence of violence. He said peace is arrived at through the conscious and energetic struggle by human beings to use their intelligence to negotiate a place in which all injustice has been spoken to, and all persons feel that they have been treated fairly. When we create that reality, a reality in which all people can say that no one in their society is abused, we will have reached a state of peace. And then our job would be to extend that ideal to all the peoples of the world and there would be peace among nations and peace among clans and peace among families and peace between individuals, there would be peace across the earth.

It is an interesting idea, resident on the shores of America when the ships of Columbus were sailing across the Atlantic. Consider that on that boat the thoughts were of how to have war. On the boat were a people who had just experienced several hundreds of years of thinking about how to re-establish their religion in what they believed to be their holy land. They had carried banners of recognition of their religion with them on crusade after crusade, had organized under a spiritual upheaval and had moved large armies across land and water and had invaded foreign lands again and again and again. They were crossing the largest body of water that they had yet crossed but they carried with them the thinking of the Crusaders because the first question even in Christopher Columbus's own journals was, "What is there here that is of value to the crown?" The first answer was slaves. Their second question was how to conquer this land? And the answer was by the law of the crusader, "just" warfare.

So, the history of North America, and all of the Americas would become the history of that invasion and of its explanation of how that invasion was right. It was right because these were heathens; it was right because these were savages; it was right because The Word must be penetrated into the interior; it was right because they were the conquerors; it was right because they had might. That mentality also said that as they went into Mexico, Florida, into the Inca country, Nicaragua, and a thousand other places, they had to explain their behavior in a way that shed light on them properly. They had to look good in doing it.

So they burned the manuscripts of the great libraries of the Aztec and Maya, burning and maybe forever destroying the scholarship that those people had done and called the Aztec and the Maya barbarians and savages. They moved and marched on the villages of the Caribe and the Arawak Indians in the Caribbean, carrying before them a man with a scroll who read in Latin in the village squares of dirt floor, thatched hut buildings: *we implore all you to come forth with all your worldly goods into the service of Spain or we will put you to the sword and to the torch.* But no one understood Latin and when no one came forward with their gold and their bone necklaces and whatever they had to offer the King of Spain, the Conquistadors attacked them and butchered them.

It is said that the Conquistadors spilled more blood than any group of people ever spilled up to that time, and that would be quite a contest if you know the history before that time. That mentality also said that they had to dehumanize the victims of the conquest. Two things were borne of that. One was the racism. Even modern scholars identify the period of the conquest as the birth of racism in the modern world. It was the first time that arguments were seriously put forward in courts of Spain, especially at Valladolid, arguing that the Indians were biologically inferior human beings, that they were not even human beings at all, that they were really beasts of burden, that they were subhumans and therefore subject to the treatment of sub-humans as you would treat a burro or as you would treat a monkey. Some of the same things are still being argued in the Western hemisphere, whether peoples of different physical characteristics are fully human and have full human rights and have full civil rights. All those arguments still go on right to the 1980s, certainly in places like Guatemala, and Peru, and Mexico where the conquest, I say, is not ended.

In the process of conquest it was necessary to also convince their own people that there were no intellectuals or philosophers among these barbarians. You will notice that, in the high schools and colleges and universities of the United States, the great philosophers of the West are celebrated, which I say is right to do. They are celebrated, but you will notice that *only* they are celebrated. Hardly anyone can name a great philosopher who is not a Western philosopher. You have to be in your fourth year of graduate school in philosophy before you can pick one out. It is almost as though there were no great thinkers except the thinkers of the West. This denial of thinking among peoples other than European peoples was so great that when these two worlds came together, the people who wrote the history wrote the Indian thinking right out of the history because by the theories of the conquistador, the Indian could not think, a burro cannot think.

So the very idea that Indians could have helped thinking among Europeans has been negated. There are still people who will swear to you that there were never any Indians who ever did any thinking, that contributed in any concrete way to any of the institutions of the West. But, I say this, when the Europeans landed on the shores of New England, had there been no Indians standing there – if Squanto had gone on vacation that month – the first Puritans would have

starved to death in their tracks. They had to find him and they had to get him to show them where the corn was. In my high school, that first Thanksgiving was always presented to us that the Puritans came ashore and they had all this food to eat and they invited the Indians over for Thanksgiving. I protest! It was the Indians invited the Puritans over for Thanksgiving; it was an Indian celebration.

The Indian celebration of the harvest is your Thanksgiving and it's the *smallest* gift the Indians gave to the Americans. As they were standing on the shore watching these people come ashore, the Indians carried with them a tradition of meeting and democracy, of free speech, of free thinking, of tolerance for each other's differences of religion, of all those things which got attached to the Bill of Rights, of all those things that we say are truly American, were born on *this* soil generations before Columbus ever set sail.

If the Indians hadn't been on that shore, if there had been no one living in the woods, do you really believe that all those ideas would have found birth among a people who had spent a millenium butchering other people because of intolerance over questions of religion, killing people who suggested that the earth was not the center of the universe, burning people who said that the sun was only one little thing in a whole bunch of stars, killing people who said they did not want to send their taxes to Rome? Do you think that that tradition would have found its way, by itself? I think not.

The first thing the European new settlers saw when they landed in the country was the Indians, meeting, and it wasn't long before the Europeans who were there were meeting like the Indians did. And, in fact, that tradition still stands in parts of New England. There is still participatory democracy in the United States in some small enclaves even yet.

Beyond that, the Indian had two other traditions that I think need to be mentioned as we talk about how wonderful it is to have the freedoms that North Americans tell the world they represent. The first was the idea of the dignity and rights of the individual and the rights of the individual against the powers of the state. In Europe anyone who said anything the king didn't like ended up in the basement of the place. In this country, if people who spoke out against the policies of the state were put in jail, it would have ruined, and would still ruin to this day, the whole idea of a democratic society. Democracy is built on the idea that you have to be able to have the opposite point of view, and the Indian society was and is nothing but the opposite point of view (any Indians here can correct me if I'm wrong!).

The next thing is the most important thing, while we're sitting here talking about the Constitution of the United States. The Constitution of the United States, you know everyone's saying, *Wow! This is a great document*! And it really is just a document. But the idea of the Constitution of the United States is much bigger than the document, is it not? What we think the Constitution of the United States is, especially if we don't read it carefully, is our compact with the government of the United States. We think it's our compact that guarantees our rights and liberties. But what it really is, is a part of a tradition that found its way into the American people of the 20th century that says that the rule of law is sacred. The arbitrary thoughts of a dictator or somebody else are not sacred, and a people have said they will die unless they can be ruled by a rule of law based on a principle of fairness. They have insisted, from the time of the first signing of the United States Constitution until today that they increase and hone and develop and make grow that idea of fairness.

It's the idea of fairness which is harder to institutionalize than it looks and we found that out. There are many questions where it's very difficult to tell what is fair and there are always people, always people, who are willing to diminish other peoples' rights; always, just as it's true among the Indian peoples.

There are always people who want more control, who want to run everything for themselves, and we have seen that in the United States. But the principle that law should rule was not born in the courts of Europe, was it? The principle that law is sacred was not born in Greece or Rome. The principle that law should determine our agreement among ourselves to act in a way that brings safety and freedom to us all was argued between Indians and European explorers in the 16th, 17th and 18th centuries. It was argued between the Indians and the people that the Jesuits sent into the Indian country. It was carried over to France by writers and by voyagers. It was argued in France and it found its way back to America when the Americans heard it from the French.

The idea of that law goes back to a tradition, still alive among the people of the Six Nations, that tells of a philosopher who came across Lake Ontario and journeyed among the Mohawks and went from man to man among the leadership of the Mohawks and argued with them that reason can bring us peace. He argued that we can create a world in which people look to thinking instead of violence and created the council of the Five Nations as a place that sits under a tree, protected by the law, and around the idea of which the chiefs hold their hands together to do clear thinking about the welfare of the coming generations, of the people of this earth.

I've heard in the last 10 years everywhere, people saying we have to think about the faces of the coming generations, we have to think about the ideas of the Mother

Earth. Those are part of the language now, part of the language of America, trying to rethink what it means to live on this planet, trying to rethink our group responsibilities to future peoples, trying to rethink what humans are and their relationship to the natural world, using language that finds its way back to that prehistoric moment, all the way back into the North American forest to those people who could have been standing on the shore when Columbus found his way across the ocean.

We as a people living in the 20th century must have a clear understanding that our roots come from those two places. We must understand that from the one place came the technologies and the abilities to move into the kinds of philosophical knowledge that finds its way into the hard sciences and also to work on building institutions around the issues that we call the social sciences and the arts and humanities. But the other confluence of this talks about the need to think about our responsibilities as human beings to one another, our responsibilities to the people of the future, and our responsibilities as human beings when we create institutions to remember those institutions must respect and must reflect on the rights and the sacredness of the individual.

So now we're here in the 20th century and when we want to know how many teeth there are in a horse's mouth we count them. And when we want to devise some kind of government, we think about some kind of way other than dicta-torship. When we want to think about how to create institutions we try to have some responsibility in the world. And we now face, as every generation has faced, a tremendously difficult time. In some ways I wonder if this generation of people, as they think about the 200th anniversary of the institutions that led to this world as we know it, can think a little bit about what it means when the United States, for example, borrows money that it knows its grandchildren must pay back.

It's an idea that I know would not find its way through the powerful thinking of a council of chiefs that had to consider the welfare of its generations yet unborn.

Another thing comes to my mind. Until very recently, if I may be permitted to castigate America a little bit, until very recently, America has told the world we represent a democracy. We believe in it. That's what we are, we're fighting for the free world. And yet in my lifetime the United States has armed and moved to back some of the most hideous dictators with the most rapacious kinds of personalities, and the most vicious kinds of policies that existed in the world at the time. Dictators in Central America, dictators in South America, dictators in Asia and Africa, the scum of the earth, and the U.S. sends those people guns and bullets and says they are protecting democracy. Every time that there is a rise of a democratic center our government has closed its eyes to them and walked away from them and disowned the democratic center.

Our government has consistently, over a whole generation, embraced the extreme right. Now in the last few years they've stopped a couple of times. I know they did it for pragmatic, not ideological purposes. I'm aware that it was not the goodness of their heart, it's just the fear that communists will take over in the Phillipines. But we should encourage that because in a way it fits some of the thinking. It actually uses thinking for a change instead of sending guns. Without thinking, without a tradition that says that we have to do the best job that we can do, the whole tradition is meaningless. It has no meaning.

Anyway, the Indians are one of those peoples who are, at this hour, I say, a foundation point of American democracy, of world democracy. The thinking that arose out of the Northeast forest finds its way into the institutions of the 20th century. I think it's undeniable. I think if you study what was talked about then, you'll know that we've inherited a very great deal of the spirit of what those Indians were talking about when the Peacemaker walked the earth. The Indians of today face the same problem, the "I want, I want." There are enough Indians here that I do not need to mention this. The Indians of today still face the problems of maintaining fairness, of maintaining the idea that no one is abused, of maintaining that very high ideal, that peace will be reached when we come to do our best thinking about what's the best for everybody, and also that very high ideal that says that law prevails, not might. Law prevails. That was what our law was about. In our world the law came about when the people who had the weapons said, we put our weapons away in order to sit and do thinking. And I'm hoping that tradition will catch on a little more. I've some-times thought, when I was a little boy, that the old people used to say all the time that the Indian taught the world about these ideas. But the world hasn't got enough of it to, to really survive with it yet, and I think that, as I get older, I understand more and more what they mean.

But I'd like to say that once in awhile when we gather like this, in a year like this when the very institu-tions that created the United States world, and the parallel institutions that created the Iroquois world, can come together in an institution like this one, and share ideas, that reflects very well that the two families of peoples have gone on a path for a long time parallel to one another and have come across that path fairly well. There are good feelings among people that are able to do this. So, that's what I have to say tonight.

Land of the Free, Home of the Brave

Oren Lyons

The Honorable Oren Lyons, speaker for the Onondaga Nation, presented the following statement before the U.S. Senate Committee on Indian Affairs hearing on Senate Resolution (S. Con. 76) to recognize the Iroquois origins of the U.S. Constitution.

Oren Lyons: "Upon the continent of North America, prior to the landfall of the white man, a great league of peace was formed."

NEIQ Photo: Robert Stiles

I have titled this discussion "The Land of the Free and the Home of the Brave." I am going to discuss early history, prior to the coming of the white man to this continent. This time receives little attention in the history books of the country, but it was in these early times that the development of democratic processes came about on this land. I would like to give you our history — a very short history, of course — but it will deal with those times. So, I shall begin.

Upon the continent of North America, prior to the landfall of the white man, a great league of peace was formed, the inspiration of a prophet called the Peacemaker. He was a spiritual being, fulfilling the mission of organizing warring nations into a confederation under the Great Law of Peace. The principles of the law are peace, equity, justice, and the power of the good minds.

With the help and support of a like-minded man called Aionwatha, whom some people now call Hiawatha, an Onondaga by birth and a Mohawk by adoption, he set about the great work of establishing a union of peace under the immutable natural laws of the universe. He came to our Iroquois lands in our darkest hour, when the good message of how to live had been cast aside and naked power ruled, fueled by vengeance and blood lust. A great war of attrition engulfed the lands, and women and children cowered in fear of their own men. The leaders were fierce and merciless. They were fighting in a blind rage. Nations, homes, and families were destroyed, and the people were scattered. It was a dismal world of dark disasters where there seemed to be no hope. It was a raging proof of what inhumanity man is capable of when the laws and principles of life are thrown away.

The Peacemaker came to our lands, bringing the message of peace, supported by Aionwatha. He began the great work of healing the twisted minds of men. This is a long history, too long to recount today in this forum. Suffice it to say it is a great epic that culminated on the shores of the lake now called Onondaga where, after many years of hard work — some say perhaps even 100 years — he gathered the leaders, who had now become transformed into rational human beings, into a Grand Council, and he began the instructions of how the Great Law of Peace would work.

The Peacemaker set up the families into clans, and then he set up the leaders of the clans. He established that the League of Peace would be matriarchal and that each clan would have a clanmother. Thus, he established in law the equal rights of women.

He raised the leaders of each clan — two men, one the principal leader and the second his partner. They worked together for the good of the people. He called these two

men *royane*, or the good minds, the peacemakers, and they were to represent the clans in council. Thus, he established the principles of representation of people in government.

Henceforth, he said, these men will be chosen by the clanmother, freely using her insight and wisdom. Her choice must first be ratified by the consensus of the clan. If they agree, then her choice must be ratified by full consensus of the Chiefs' Council of their nation. Then her choice must be ratified and given over to the Council of Chiefs who then call the Grand Council of the Great League of Peace, and they will gather at the nation that is raising the leader, and they would work together in ceremony.

He made two houses in each nation. One he called the Long House and the other he called the Mud House. They would work together in ceremony and council establishing the inner source of vitality and dynamics necessary for community.

He made two houses in the Grand Council, one called the Younger Brothers, consisting of the Oneida and the Cayuga Nations and later enlarging to include the Tuscarora. The other was the Elder Brothers, consisting of the Mohawks with the title Keepers of the Eastern Door, the Onondaga, whom he made the Firekeepers, and the Senecas, who were the Keepers of the Western Door. Now, he made the house, and the rafters of the house were the laws that he laid down, and he called us Haudenosaunee, the people of the Longhouse.

Now, the candidate for the clan title is brought before the Grand Council and will be judged on his merits, and they have the right of veto. It they agree, then he may take his place in Grand Council. But before that, he is turned back to the people, and they are asked if they know a reason why this man should not be a leader and hold title. Thus, the process is full circle back to the people.

Thus, the Peacemaker established the process of raising leaders for governance, and, by this process, a leader cannot be self-proclaimed. He is given his title and his duties, and his authority is derived from the people, and the people have the right to remove him for malfeasance of office.

He established the power of recall in the clanmother, and it is her duty to speak to him if he is receiving complaints from the people concerning his conduct. The clanmother shall speak to him three times, giving sufficient time between warnings for him to change his ways. She shall have a witness each time. The first will be her niece, in other words, a woman. The second shall be the partner of the chief in council or the principal leader, as the case may be. And the third and final warning comes with a man who holds no title, and he is coming for the chief's wampum and for the chief's emblem of authority, the antlers of a deer. Thus he established the power of recall vested in the people.

The leader must be free from any crime against a woman or a child. He cannot have killed anybody and cannot have blood on his hands. He must believe in the ways of the Longhouse. His heart must yearn for the welfare of the people. He must have great compassion for his people. He must have great tolerance, and his skin must be seven spans thick to withstand the accusations, slander, and insults of the people as he goes about his duties for the people. He has no authority but what the people give him in respect. He has no force of arms to demand the people obey his orders. He shall lead by example, and his family shall not influence his judgement. He carries his title for life or until he is relieved of it by bad conduct or ill health. He now belongs to the people.

At the first council, there were 50 original leaders, and their names became offices to be filled by each succeeding generation. So, it continues up to this very day. The Great Peacemaker had established a government of absolute democracy, the constitution of the great law intertwined with the spiritual law.

The first treaty, the grandfather of all treaties, Guswenta or the Two Row Wampum, established our equal rights in this land and our separate and equal coexistence on this land between our two peoples: the canoe of the Indian and the boat of the white man going down the river of life in peace and friendship forever.

We then became a nation of laws. The people came of their own free will to participate in the decision-making of the national council and the Grand Council. Thus, the Peacemaker instilled in the nations the inherent rights of the individual with the process to protect and exercise these rights.

Sovereignty then began with the individual, and all people were recognized to be free, from the very youngest to the eldest. It was recognized and provided for in the Great Law of Peace that the liberty and equality demanded great moral fortitude, and it was the nature of free man to defend freedom.

Thus, freedom begat freedom, and great societies of peace prevailed, guided by the leaders, the good minds. The men were restrained by moral conduct, and the family with the woman at its heart was the center of Indian societies and nations.

Now, the Peacemaker said the symbol of the Haudenosaunee shall be the great white pine with four white roots of truth extending to the four cardinal directions, and those people who have no place to go

shall follow these roots back to the tree and seek shelter under the long leaves of the white pine that we shall call the great tree of peace. I shall place an eagle atop the tree to be ever-vigilant against those who shall harm this tree, and the eagle shall scream his warnings to our chiefs whose duty it is to nurture and protect this tree.

Now that this is done, the chiefs, clanmothers, and faithkeepers being raised and the Great Law being firmly established in place, he said, I now uproot this tree and command you to throw all of your weapons of war into this chasm to be carried by the undercurrent of water to the furthest depths of the earth, and now I place this tree back over this chasm, throwing away forever war between us, and peace shall prevail.

This is what prevailed upon this great Turtle Island at the first landfall of the white man. They found here in full flower, free nations guided by democratic principles, all under the authority of the natural law, the ultimate spiritual law of the universe. This was then the land of the free and the home of the brave.

Sovereigns and sovereignty as understood by the Europeans related to the power of kings and queens, of royalty to rule men as they saw fit, to enslave human beings and control in total the lives and property of their subjects. Strange indeed it must have been for these immigrants to find a land with nothing but free people and free nations. The impact has reverberated down through history to this time. As Felix Cohen put it, "the Indian people had 'Americanized' the white man."

The first treaty between the Indians and the white man took place at Skanect Dah De, the place where the pines begin — it is now called Albany, New York — in 1613 or therebouts. It was a treaty that was the grandfather of all treaties, and it was called the Guswenta or the Two Row Wampum.

That treaty established our equal rights in this land and our separate and equal coexistence on this land between our two peoples, the canoe of the Indian and the boat of the white man going down the river of life in peace and friendship forever. The last three principles were memorialized in the great silver covenant chain with the three binding us together forever, peace and friendship forever. As long as the grass grows green, as long as the water runs downhill, and as long as the sun rises in the east and sets in the west shall we hold this treaty.

It is this treaty that I brought today. It is this belt I speak of. This is our canoe, the Indian people, their government, and their religions. This is our brother the white man's boat, his religions, his government, and his people. Together, side by side, we go down the river of life in peace and friendship and mutual coexistence. As you note, we never come together. We are equal.

Benjamin Franklin observed these differences in government in 1770, "The care and labor of providing for artificial and fashionable wants, the sight of so many rich wallowing in superfluous plenty, whereby so many are kept poor and distressed for want, the insolence of office, and the restraints of custom all contrive to disgust the Indians with what we call civil society."

So, we now come to the process of this transference of democratic ideas and ideals from the Indian to the white man. It was a process of associations, of years of meetings, discussions, wars, and peace. Treaties became a process of relationships. Early America was steeped in Indian lore and social and political associations.

There were longstanding interrelationships between the colonies and the Indian nations that surrounded them. It was our grandfathers who took your grandfathers by the hand at the Treaty of Lancaster in 1774, and urged them to form a union such as ours so that they may prosper. It was Benjamin Franklin who took notes at that treaty and became inspired to such a union.

It was your grandfathers who said to our chiefs at German Flats in 1775 that they would now take our advice and form such a union and plant a tree of peace in Philadelphia where all could seek shelter.

Finally, it was our chiefs and leaders who first acknowledged you as a new and separate nation, independent and free, with these words, "Brothers, the whole Six Nations take this opportunity to thank you that you have acquainted us with your determination in so public a manner and we shall for the future consider you as thirteen independent states."

And they gave a white belt, a row of wampum, to commemorate this great occasion. This recognition was stated Friday, August 9, 1776, at the German Flats Treaty.

This was the culmination of the long history and association with the Haudenosaunee and the immigrants who became Americans. Your people went on to develop the Constitution of the United States encompassing the symbols of our constitution, the bundle of arrows symbolizing the new thirteen states, the leaves of the pine tree, and the eagle that we place upon the tree of peace. This and more we share as common history.

Brothers, we now turn our faces toward the future and continue to wish you well in your endeavors as a nation. Perhaps it would be well for you to look back again at our principles of peace, justice and equality, to grasp firmly our hand in recognition of our long association and heed the treaties that were made so long ago that these treaties may continue to thrive for our posterity as we continue down the long journey to eternity and we continue our association as government to government.

With that statement, I close the message from the Haudenosaunee, and I thank you very much for your kind attention.

The Great Law Takes a Long Time to Understand

Jake Thomas

Jacob Thomas is a chief of the Cayuga Nation , a culture-bearing elder of the Haudenosaunee, and an instructor at Trent University in Peterborough, Ont.

Jacob Thomas: "There's many nights and many days I have spent with my elders sitting and listening."

I remember when I was a kid, I would sit to listen. I never, never interfered in anybody's speaking. They always said "You listen, you sit down and all you do is listen." So there were a few of us who grew up about the same age and we all sat and listened. A lot of times old people used to come to our home, as my grandfather was very knowledgeable. My father was very knowledgeable coming — the third generation from my great-grandfather to my grandfather to my father. My grandfather's name was Chief David Sky and he's one of the knowledgeable chiefs. He was a chief who passed away in 1931, and I missed quite a lot from there, but all the things that I've learned from there, I learned from my father.

I don't claim myself to know everything, because I am not that age yet to know everything or I'll never reach that age. Native culture is something that you keep on learning, you may become knowledgeable but still you are learning everyday, it never stops, right 'till you die. So I learned, from the time when I was a boy, to listen. I never, ever forgot what I was taught and I also kept learning.

There is a sequence. I have heard some speakers say you have to make it in a sequence in order to understand your culture and you have to have the language, that the language is a way of life.

Now we're talking about Great Law. I've heard so much about it since I've been here, about Great Law. A lot of people helped me study the Great Law of Peace. So as I say, it goes a long way for oral traditions once you learn it. It's true when you only hear it once, you can forget. But there's many nights and many days that I have spent with my elders sitting and listening. I get so fed up sometimes, listening because it's the same thing over and over and over. And I often wonder but I never say anything. I don't want to hurt the elders.

Now a lot of people here were very anxious to hear the Great Law but I'm very sorry to say to you I would not be able to do all that in what very little time we have. You don't realize how much time it takes to recite the Great Law in my native tongue and it would be easier to recite it in my native tongue.

I went recently to the Lake of the Two Mountains to preach. I taught the Great Law for six days and still we didn't finish. I figured it would take about eight days, and that was four hours a day – reciting in the morning and then in the afternoon elaborating what the Great Law meant. So it took the whole day. It takes a long time for a person to understand because there is a lot, not only knowing the right words to say about the Great Law, but what it means, the symbolism.

The Peacemaker took the structure of the longhouse from the east to the west when he made the Great Law. It stretched from the east to the west to the western nations. It was symbolic, everything was symbolic. They used symbols for the clans they belonged to: wolf, bear, hawk, eel, beaver, snipe, big snipe. I happen to be one of the Cayuga chiefs of the confederacy, condoled in 1973, and I belong to the Sandpiper Clan of the Cayuga Nation.

When the Peacemaker made the League of the Five Nations, when he planted the Great White Roots of Peace, the great longleaves, he said, "Here. Now we have elevated all the five nations, all the fifty sachems. Now we will all join hands and that will show the covenant. When we join hands, all of our people will be inside of the circle. All our people and also our culture will be inside of that circle. Our language will be inside of that circle. Our traditions will be inside of that circle. And so it all belongs to Iroquois, names and everything. That means that there is strength in power of the longhouse of one family."

As I said, they have used a lot of these symbols. Symbols mean a lot, if you study what the symbols are used for. So when they planted the Great White Root of Peace, the

Peacemaker said, "Now we will get the wisest bird there is, the eagle, which will sit on the top of the Great White Pine and will watch over all nations." I have been told the reason they used the eagle. It is a very wise bird that can see very far. It can notice anything that is coming from the distance, and it will squeal if there is any trouble coming, that would invade a nation.

Now a lot of people ask questions about different things. "What is the meaning of the eagle?" Well, the meaning of the eagle is that the chiefs who are surrounding the tree will take on the nature of that bird. That's the way it is made for the confederacy chiefs. They shall be very knowledgeable and very sharp-eyed so they can see anything approaching.

It's true when you only hear it once, you can forget. But there's many nights and many days that I have spent with my elders sitting and listening.

But since the time of the American Revolution the tree has fallen. Today, it lays across the arms of the confederacy as they're holding hands. There are some links that have been broken, but they're still trying to hold that tree up. It's not up; it's almost down. That's the struggle we face today. We are trying to understand how we're gonna bring that tree back up.

Royaner is similar to what we call the Creator. *Royaner* is only acting on behalf of the Creator. That's the message, the prophecy, that was brought to the chiefs so that they would work for the Creator. And they would work for many generations to come, even the coming faces, yet unborn. Today we look back at our ancestors. The clan mothers and the chiefs at that time were looking out for us. We were the coming faces at that time.

It was the Creator who sent the Peacemaker to Earth to work through him. Peacemaker was the one who organized and brought peace. He was the one responsible to bring all nations together. He worked with a man named Aionwatha. The name, Aionwatha, means that he's always awake, always alert. Aionwatha was the first one who was also given power by the Peacemaker, and they worked together to organize great peace and also the Great Law. And Aionwatha was the first to be crowned by the deer antlers. Peacemaker told him, "This is the kind of animal that you should eat, not humans. This is what the Creator provided for you to eat but not to go and destroy humankind." So then from there Aionwatha began to understand and he began to grasp the Great Peace. And since then he was crowned by the Peacemaker and he said, "You will become Aionwatha."

There is a symbol, the deer, which they even use for clans. The Iroquois use different kinds of animals like a deer and beaver. And the deer antlers have a great significance. This goes back again to a time in the Iroquois cosmology, of the battle between the left-handed twin and the right-handed twin. The good twin used the antler to gain power and drive away his brother who did evil.

I've been at Trent University for a good many years now, and I've learned a lot too. I learned from other professors about different things that coincided with the different things that I knew. I met this professor at Trent University who talked in class, about animals, about nutrition. And then, he got talking about the deer and all the animals that have antlers - moose and even little bugs that roam the ground. They have all kinds of antennas like the deer. When the deer is wandering in the bush it stops and it looks around. The professor said, "You know why? 'Cause that animal is a clean animal. It only eats twigs and other things like that. It's clean when it eats." And that, I believe, is the reason why that kind of meat is helpful to gain knowledge, to gain wisdom. I was really amazed at what he told me, and I learned this just only a year ago. He said, "You know the way it is with an animal, with a deer. They have found through research, why they have these antlers." He said, "There is a power going between the antlers that tells them what's coming. That's their reporter. And it feeds in there and that's why they're always alert, always looking. That's what tells them. Same way with the little bugs. If you try to touch one, it runs away because it's some kind of a feeling there. It's sort of radiation, I guess you might call it, some energy going through there. But we don't see it. So that's the way it is with this deer and also moose. The closest points between the antlers, there is power going through there. And that is why it could tell something's coming, how it could protect its little ones. And that's how they're used."

This amazed me how good it is that I knew this, because that is the reason why the Peacemaker used the antlers, so that the chief can get all of this knowledge coming in. He described it. It's the same as when you put rabbit ears on a television set. He says that's what happens to the deer. It's coming through his antenna. So that's why he knows. All animals know. And now I said I was glad to know that because it coincides with the things that I know about why the Peacemaker used the deer antlers.

We should not only learn about the Great Law, we should know also the meanings, the symbols. They even used beaver in the Great Law. It says that all the Iroquois nations will come together, and they will sit, and they will eat this beaver tail. That will also give them wisdom.

What the Iroquois and other native confederacies taught us has helped make us what we are. These are profoundly important ideas that bear on how dearly we all hold our liberty, personal freedoms, and respect for those of others.

BRUCE JOHANSEN

Section II

Academic Speakers

Colonial History: 300 Years of Cultural Encounter

Dr. Daniel Usner is Assistant Professor of History at Cornell University.

Daniel Usner

Daniel Usner: "The cultural encounter, council after council, treaty after treaty, set the stage for the formation of the United States."
NEIQ Photo: Tim Johnson

Last night, Tom Porter politely and honestly expressed the feelings that many American Indians have toward Ph.D.s, that is scholars, saying that when they see a scholar coming or a Ph.D. approach, the word is, "Oh no, here comes another one." Well, this morning we have a pack [laughter] of scholars, Ph.D.s.

But I think we have a very special group today: scholars who have challenged the mainstream, as we say in history, who have done work against great odds and who are continuing their work. And that's what makes this conference very special, that we are able to learn from them as they are engaging the documents and pursuing their lines of inquiry.

Usually at professional conferences we learn too late from the scholars about what they have found. Today we have an opportunity to provide input, to ask penetrating questions of these scholars so that we can contribute to the continuation of their work.

Before turning it over to them, however, I would like to make some general comments as an American historian about the relationship between American Indians and the U.S. Constitution. The subject of this conference is much more specific than that as you all know. It's to consider the influences of the Iroquois Confederacy upon the Constitution. That's a very important subject as we all know now. But it's one part of that very important relationship between American Indians and the U.S. Constitution, a relationship that is misunderstood, if it is known at all, by the public in the United States. American Indians have a special relationship to the U.S. Constitution. They have a pre-Constitutional relationship to the United States through the many treaties that they made during the colonial period. They have an extra-Constitutional status in the United States. They also have Constitutional rights as citizens of the United States. And that is what makes American Indians politically very unique not only in the United States but also in the world at large: an indigenous people who have this kind of complex relationship with the citizens of a nation that has surrounded them. So I would like to give a brief history of that relationship, raising some observations and questions about what it means to all of us as citizens of the United States.

Americans tend to contract the colonial history of this continent. We tend to view it as a short period of time leading up to the much more important era that came after the revolution and the Constitution. But to understand American Indian influences upon the Constitution and the politics of the United States, we must remind ourselves that some 300 years of colonial history, of colonial-Indian relations, preceded the founding of the United States. A longer period of time of cultural encounter came before the Constitution than after. When you view history in that long-term perspective, the Constitution becomes overshadowed, almost, by other

ways in which American Indians have related to other peoples in North America.

The Iroquois most influenced the Constitution in the treaty-making context. There was a tradition of North American Indians making treaties with one another. Many of the cultural traditions that went into the protocol of those treaties were adopted by the governors and officials within the English and French and Spanish colonies of North America. That encounter on a formal basis, council after council, treaty after treaty, set the stage for the formation of the United States. Because at the time of the American revolution and the formation of the United States, American Indians were still a political force to be reckoned with. They still are a political force to be reckoned with because of their history and their relationship to the Constitution. So when the colonials were waging a revolution, they had to be careful about their relations with American Indians. They had to form alliances or neutralize American Indian nations in their struggle against Great Britain. When they formed a nation of their own, they had to consider Indian affairs. And American Indian affairs were very important to the United States government during its early years. They were an obsession with people like George Washington and Thomas Jefferson. It was the foreign policy of the United States at that time.

Indian affairs were so volatile that the Founding Fathers had to minimize their discussion of Indians when it came to writing a Constitution. If you have looked at the Constitution recently you would know, it would be fresh in your memory, that the Constitution is very reticent about American Indians. American Indians appear, in name, only twice in the Constitution. There are three references, however, very important references to American Indians that set the stage for the rest of the relationship up to this point.

One mention of Indians is in the Commerce clause, which grants Congress the exclusive power to regulate commerce between the states, with foreign nations, and with American Indians. The other clause refers to taxation and representation. American Indians are excluded from the count of a population within a state that determines representation in Congress, and they are excluded from taxation. That's the extra-Constitutional status that American Indians have. The third reference is regarding treaty making in which Congress, or the Senate specifically, assumes the exclusive right and power to make treaties with other nations. And by 1790, federal law had applied that clause to American Indians precisely, more precisely than the Constitution makers had allowed. So that dictated the relationship that evolved thereafter. American Indians were foreign nations, or equivalent to foreign nations, and therefore were outside of the Constitution in these early years.

As a student of southern history, I have learned a lot about how slavery was the volatile issue in the early 19th century, an issue of contention between states and the federal government, challenging the Constitution. Well, scholars are now realizing, in their current research, that American Indians affairs were as important and as volatile in that struggle over the Constitution, over that relationship between states and the federal government, a relationship that was not worked out then and really still isn't worked out today. It's an ongoing struggle.

So that's another way that American Indians have related in a special way to the Constitution. States challenge the federal government's authority over Indian affairs and often overstep the boundaries established by federal law. And the most extreme measure taken by states was the push for removal of many of the eastern North American tribes.

Another way that Indians have related to the Constitution is in adopting written laws and Constitutions themselves over the years. The Cherokees are the most famous example. In 1827, in order to deal more formally and successfully with the United States, they felt they needed a Constitution to formalize, institutionalize their laws and their government. However, they framed those laws within the spirit of their own Great Law. So they creatively meshed the model of the U.S. Constitution with their own traditions, their own Great Law.

In the 20th century more American Indian nations would adopt Constitutions, under the Indian Reorganization Act of 1934. And no matter how controversial the Indian Reorganization Act is, many Indian nations reinforced their sovereignty, their autonomy by adopting Constitutions and adopting their own laws.

Indians have affected the Constitution in these and many other ways. The most important way, recently, is through the Supreme Court. At last count, thirty-three American Indian cases had reached the Supreme Court, in the 1980s alone. That is a dramatic way to illustrate how special and important the political status of American Indians is to all of us.

It's Time to Take Away the Veil

Donald Grinde

Dan Usner's Introduction:

Dr. Donald Grinde is responsible for resurrecting scholarly interest in the question of the Iroquois influence on the U.S. Constitution. Felix Cohen raised the question in the 1940s and Iroquois peoples themselves have been doing it for a long time, on a more continuous basis. But Cohen presented this idea to the academic world. It died, virtually died, because there was no response. People didn't believe it or they weren't interested enough to keep the ball rolling and to perform further inquiry into this subject. Donald Grinde did so and ten years ago published a very important book entitled, The Iroquois and the Founding of the American Nation, *which dealt with the overall Iroquois context for the American revolution and suggested how the Iroquois Confederacy affected the ideas and actions of the founding fathers. He is currently a Eugene Crawford Memorial fellow, and a distinguished professor of interdisciplinary studies at Gettysburg college.*

Donald Grinde: "It is not a question of whether the Iroquois had an impact on the political ideas of this nation, but it is a question of degree."

NEIQ Photo: Robert Stiles

Donald Grinde:

I would like to start out by giving thanks to the Iroquois people that I worked with some fifteen or more years ago. They gave me encouragement in this project since I did not receive much encouragement outside of the Iroquois people. I want to also thank the Indian Historian Press whose stated purpose, then as well as now, is to publish works by American Indian scholars and others that contribute to new viewpoints on American Indian history. Finally, I would like to thank Americans for Indian Opportunity and the Meredith Fund for research funds that made my present research possible.

Today, I would like to share with you some of the new data that I have found in the last year or so that supplements my earlier findings. I will focus on four items:

1) The Treaty Congress at Albany in August of 1775;

2) Benjamin Franklin and his ideas about the Covenant Chain of the Iroquois;

3) Thomas Paine and some of the things that he wrote that have not been attributed to him;

4) John Rutledge of South Carolina and how he learned of the Great Law of the Iroquois, and how he helped to write the first draft of the U.S. Constitution.

As Eugene Crawford Memorial Fellow for 1987-1988, my purpose

will be to analyze, from a historian's viewpoint, the extent and impact of Iroquois ideas on American democracy. This analysis will include, of course, the U.S. Constitution. I want to make this study an integral part of the analysis of the Constitution. In the future, I want to make sure that when people talk about the roots of the Constitution, they include the ideas of the Iroquois. Ancient Greece and Rome, John Locke and Jean Jacques Rousseau, no doubt, influenced the thinking of the Founding Fathers, but Iroquois concepts had a profound influence upon the formation of our government as well. The ideas of the Iroquois influenced the thinking of the English and the French theorists of the eighteenth century also. I will also attempt to approach the Founding Fathers as human beings, and this is extremely important since I have found that it is the best way to look at them. When one looks for Iroquois ideas in the Founding Fathers, I have to always remember that these men were politicians. Many of them, of course, had a good education for the times and were wealthy. However, most of them had a fairly long history of political activity in one way or another.

In August of 1775, before the Declaration of Independence, the Continental Congress sent a group of treaty commissioners to speak with the Six Nations of the Iroquois Confederacy at Albany, New York. The Congress and the American people were contemplating independence and a long war. Already, there was much tension and the Congress did not want to fight a two front war against the British in the East and the Indians in the West. In the spring of 1775, Congress began to formulate a speech that was to be sent to the Iroquois in the summer of 1775. Signed by John Hancock, this speech recalls the history of the relations between the Iroquois and the American colonists since the 1740s. The speech quotes the Iroquois chief, Canassatego, at the Treaty of Lancaster in 1744. In that speech, Canassatego admonishes the Americans to unite and become strong as the forefathers of the Iroquois had done under the Great Law. The speech from the Continental Congress said that the American people are united and have taken the advice of the Iroquois. The U.S. treaty commissioners added:

When people begin to talk about the roots of the Constitution, and they talk about ancient Greece and Rome and John Locke and Rousseau and the Enlightenment, I want them also to have to deal with Indian ideas and specifically, the Iroquois.

"...the advice was good, it was kind. They said to one another, the Six Nations are a wise people, let us harken to their Council and teach our children to follow it. Our old men have done so. They have frequently taken a single arrow and said, children, see how easy it is broken, then they have tied twelve arrows together with strong cords and our strongest men could not break them – See, said they – this is what the Six Nations mean. Divided, a single man may destroy you – United, you are a match for the whole world."[1]

The Iroquois provided concepts of unity to the American people long before the Revolution. Not only that, but the Iroquois provided a model of freedom in a direct way to the French as well. There is a clear evidence of the model in the practice of admitting new states on an equal footing. There are ideas about decorum and the process of Congress: people should not be hooted down as they occasionaly were in Parliament, people should show respect to speakers while they are speaking. Such ideas clearly came from the American experience with Indian democratic societies.

Unity is a major concept in this speech by the Congress, and it is one of the foremost concepts of the Iroquois Great Law.[2] Unity is not a novel concept, but the way in which the Iroquois did it fascinated Europeans and particularly, American colonists. Hence, the treaty commissioners at Albany, in 1775, were not just engaging in the rhetoric of Iroquois diplomacy, they were demonstrating that they had a knowledge of and were using parts of the Great Law in their deliberations even before independence was declared. The speech goes on to point out that the American people have delegated leaders to go to Philadelphia and kindle a great fire and plant a Great Tree to become strong like the Iroquois. At the conclusion of the analogy, the treaty commissioners invited the Iroquois to come to Philadelphia to their "Grand Council."[3]

A few days after this speech, the treaty commissioners tell the Iroquois that:

"We live upon the same ground with you--the same island is our common birthplace. We desire to sit down under the same Tree of Peace with you; let us water its roots and cherish its growth, till the large leaves and flourishing branches shall extend to the setting sun and reach the skies."[4]

In other references to Iroquois cosmology, the Americans say:

"Island began to shake and tremble along the Eastern Shore, and the Sun darkened by a Black cloud which arose from beyond the great water, we kindled up a Great Council Fire at Philadelphia... so... that we are now twelve colonies united as one man... And... As

God has put it into our hearts to love the Six Nations... we now make the chain of friendship so that nothing but an evil spirit can or will attempt to break it."[5]

Through these words, we can see the extent of the Continental Congress' knowledge of the Great Law of the Iroquois and its cosmology a year before the Declaration of Independence. In an analysis of this cultural and intellectual exchange, it is significant (since it often goes unnoticed) that the Iroquois people delegated leaders or had self-appointed people to educate the colonists to the wisdom of unity.

So the knowledge of Iroquois unity, the Great Tree of Peace, and what it meant was present in the Continental Congress a year before the Declaration of Independence.

A generation before the conference at Albany in 1775, the Mohawk Chief, Hendrick, had admonished the colonists to unify. In August of 1775, when the Iroquois chiefs asked the Americans who should speak for the Iroquois at the conference, the Americans immediately asked that Abraham be appointed the main speaker. Abraham was the adopted brother of Hendrick, and the Americans remembered his words urging unity at the Albany conference in 1754. It should be noted that the treaty commissioners recognized that Abraham and Hendrick were part of an Iroquois tradition to teach the American people strength through unity. After he is made speaker, Abraham rose and stated that he was glad that "...your grandfathers had inculcated the doctrine into their children..." He noted that an invitation had been extended to go to Philadelphia where the Great Tree was planted and "...sit under it and water its roots, till the branches should flourish and reach to heaven..." Abraham said, "This the Six Nations say shall be done."[6] In May of 1776, the Iroquois chiefs would go to Philadelphia as the Continental Congress was readying itself for independence (the Iroquois camped outside of Independence Hall in the square). After John Hancock welcomed the Iroquois chiefs to the Congress as "brothers," an Onondaga chief named the President of the Continental Congress (John Hancock), "Karanduawn," or the "Great Tree," on June 11, 1776.[1] In effect, the Iroquois were present during the debates on independence and when a draft of the Articles of Confederation was introduced (this draft was a revision of Franklin's Albany Plan and it has been demonstrated that it was borrowed from the Iroquois Great Law). With the Iroquois in the halls of government on the eve of independence, it is no longer a question of whether the Iroquois had an impact on the nature of American government but rather it now becomes a question of degree. We can now see that both the Americans and the Iroquois were aware of the interchange of ideas for over a generation. Essentially the Iroquois had a tradition of instructing, cajoling, and admonishing the colonies to unify, and the Americans were cognizant of this process in some profound ways.

Now, I would like to discuss Benjamin Franklin and his knowledge of Iroquois imagery and ideas. Franklin, of course, was the author of the Albany Plan of Union. However, an examination of the oral traditions about Franklin has yielded some interesting insights into Franklin's use of Iroquois ideas. By looking at the record of the people that knew Franklin in England before the Revolution and in France during the Revolution, it is apparent that Franklin talked a great deal about the Iroquois. In England, Franklin's circle of friends gave him a silver tea service that was engraved, "Keep bright the chain," because it was one of his favorite phrases. His friends remarked that he used it often and that they sought Franklin's ideas about American Indians.[8]

When Franklin went to France in late 1776, as the Congress' Minister to France, he was welcomed a hero. There was a rumor that he was coming with 100 American Indian warriors. Once in France, Franklin "...loved to cite and to practice faithfully the proverb of his friends, the American Indians, 'Keep the chain of friendship bright and shining' when discussing the concept of liberty among distinguished French philosophers like Turgot, Helvetius, La Rochefoucault and Condorcet. French observers in the salons stated that Franklin would discuss the politics of the Indians with great exactness and interest. Furthermore, Franklin thought the ways of American Indians more conducive to the good life than the ways of "...Civilized Nations." Frequently, Franklin used the French curiosity about Native Americans and particularly the Iroquois to his personal and diplomatic advantage.[9]

When Franklin came back to America after the Revolution, he became a member in the Constitutional Sons of Saint Tammany in Philadelphia. This was a society of Non-Indians that dressed up as Indians, entertained Indian delegations to Philadelphia, stood for a unicameral legislature like Franklin, and freely used Iroquois ideas and imagery in its rhetoric.[10] During the Constitutional Convention, Franklin wrote several letters to American Indians like "the old chief" and "Cornstalk." These terms and names were used by the Constitu-tional Sons of Saint Tammany. Since they were written on June 30, 1787, after the bitter controversy over the Virginia and New Jersey Plans was resolved, they may well be "coded"

letters to the Constitutional Sons of Saint Tammany. The Saint Tammany Society was intensely interested in the outcome of the Constitutional Convention and the structure of the new government. At any rate, Franklin stated in one of these letters that:

"I am sorry that the Great Council fire of our nation is not now burning, so that you cannot do business there. In a few months, the coals will be rak'd out of the ashes and will again be rekindled."[11]

Franklin also had designed currency using the Iroquois Covenant Chain at the beginning of the Revolution that was reissued in 1787. The currency depicted a Covenant Chain of thirteen links with an admonition to unite.[12] Hence, there is plenty of evidence that Franklin continued and cultivated his interest in the Iroquois after he used their ideas of unity to forge the Albany Plan of Union in 1754.

Thomas Paine was also influenced by the Iroquois. Although it is generally not acknowledged, Thomas Paine was a secretary to an Iroquois Treaty at Easton, Pennsylvania in early 1777. It appears that Paine heard an Iroquois prophecy about struggling beasts that would shake the very foundation of the League of the Iroquois. In the end, lesser beast (the Americans) would win and take up the ideas of the Iroquois. A pamphlet published by the Continental Congress recounts a similar prophecy. It is printed in France in 1777 before the French publicly began to support the American cause. Thomas Paine was appointed to the Committee for Foreign Affairs of the Continental Congress in April of 1777. He may have sent over to Franklin an account of the prophecy since Franklin and the other American ministers to France were constantly asking for good news (the good news would come late in 1777 with the victory at Saratoga). Again, it is important to note that the Continental Congress was writing propaganda using the imagery and prophecies of the Iroquois since they knew that the French were fascinated by Iroquois ideas. After Paine left America for France, he was reputed to talk a great deal about the Iroquois.[13]

It is an extensive pamphlet of over 150 pages, detailing the Iroquois prophecy. It says that the American people had assimilated Iroquois ideas and that, therefore, the victory of the American people would be a victory for humanity because the American people had inherited the ideas of the Iroquois. Now, this is striking because the Revolution was just two years old, so this was obviously propaganda aimed at the French to bring them in on the American side. In propaganda you don't deal with obscure things. The French knew the Iroquois and they were fascinated with Iroquois ideas of freedom.

Then they have tied twelve arrows together with strong cords and our strongest men could not break them. "See," they say, "this is what the Six Nations mean: divided a single man may destroy you, united you are a match for the world."

Finally, there is John Rutledge of South Carolina, chairman of the Committee of Detail that wrote the first draft of the U.S. Constitution. According to his biographer, Rutledge learned of the Great Law while attending the Stamp Act Congress in New York City as a young man. During the Stamp Act Congress, Rutledge rented a cab and rode out to see Sir William Johnson and some Mohawks camped on the edge of Greenwich Village. Sir William Johnson was upset about the Stamp Act because it was cutting into his Indian trade. Sir William Johnson had come down in the fall from Albany to get supplies for the Indian trade. Johnson greeted Rutledge by saying, "I see you've come to comb the King's hair," and Rutledge was puzzled by this phrase (an obvious allusion to the evil Onondaga wizard, Tadodaho, that Aionwatha tamed to pave the way for the creation of the Great Law of the Iroquois). In this way, Johnson characterized the Stamp Act Congress as attempting to pacify the King's mind about taxation and other things. With this opening remark, John Rutledge sits down and has a few glasses of rum with Johnson and the Mohawks and gets his first lesson about the Great Law of the Iroquois.

In late July, 1787 twenty years after the Stamp Act Congress, John Rutledge found himself chairing the Committee of Detail at the Constitutional Convention. The Committee was charged with taking all of the resolutions that had been passed in Convention and drafting a document that could be polished and refined through debate on the floor of the convention. Rutledge's biographer states that he opened the meeting with some passages from the Great Law of the Iroquois. The main passages relate to the sovereignty of the people, peace and unity. Rutledge had asserted earlier that a great empire was being created so it must be firmly rooted in American soil. With this said, Rutledge began the task of drafting the Constitution.[14] Pressure in the printed media was already being brought to bear upon the framers of the U.S. Constitution. In the August, 1787 issue of *The American Museum* (a Philadelphia magazine), "A Fable-Addressed to the Federal Convention" was printed that used the bundle of arrows imagery of the Iroquois Constitution and styled the Iroquois as "fathers" urging unity to

their "sons." The fable admonished the framers to "unite, or die." No doubt, the Constitutional Sons of Saint Tammany were, in part, responsible for this reference.[15] These examples are but a few of the references to the Iroquois roots of American government.

A few months after the Constitutional Convention, James Wilson, one of the principal architects of the Constitution, harkened to this "unite or die" slogan. He said that in searching for a form of government that would give maximum internal freedom and yet give the external abilities of what we call national security of a monarchy, they found no such model in Europe or among any political thinkers, but he said the sentiments of the Convention and of the people of America was expressed in the motto of "unite or die" and this whole imagery of the bundle of arrows.

Later, Wilson, as Associate Justice of the Supreme Court, used Iroquois imagery to discuss territorial expansion, again using the imagery of the covenant chain.

Rutledge himself believed in, argued, and put in the Constitution what would eventually become the Supreme Court in this draft, in spite of opposition on the floor to it. Rutledge himself believed in the nine impartial, learned people (the number on the Supreme Court can vary) and that there should be an appeal to people that are disinterested or that can study the law and balance against legislation. He thought that this is what he saw in the peace chiefs of the Iroquois.

The major thing to remember is that if you know the code words like "combing the King's hair" or "keep the chain bright" the Iroquois influence can be easily seen. Indeed, there seems to be a kind of ignoring of these references in the records. This ignoring of important references glosses over the fact that Iroquois images were used frequently in eighteenth century America. But to modern scholars such references probably appear as anomalies since many people are unfamiliar with the rhetoric and imagery of the Iroquois. In short, the attitude might be "What's this, Thomas Paine writing an Indian treaty?" What does that have to do with political theory or his ideas?

It is important to understand too, and this often goes unnoticed, that the Iroquois appointed people or had self-appointed people to educate the colonists.

In conclusion, I think that the concept of unity was an important transference that went on for generations between the colonists and the Iroquois. Rutledge recalled that exchange as he began to write the first draft of the Constitution (the press of Philadelphia and the Saint Tammany society were also bound to remind him and the other delegates to the convention of the American roots of our unity and freedom). Federalism is another important concept here. The Iroquois had a working federalism that gave maximum internal freedom while providing for a strong defense.[16] Finally, the rhetoric of the Saint Tammany Society in various colonial cities in the 1780s demonstrated that Iroquois governmental images were pervasive in American society.

I think that it is time to take away the veil that has deprived Americans from realizing the Iroquois roots of American democracy. The new evidence that we have all brought to bear here is extremely exciting. I hope that it will convince people that when they look at the origins of American democracy, that one can no longer look only to the Ancient Greeks and Locke for sources but you must also look to the Great law of the Iroquois as a valid source of ideas for the formation of our nation. With evidence at hand, the question is not whether the Iroquois had an influence on formation of the American government but to what degree.[17]

The next job after this conference, is to increase cross-cultural kinds of studies. I think that research funds in institutions that study Indians should be allocated in ways that reflect more the interests and questions that are important to Indian people. Certainly, American Indian people and American Indian scholars should have a greater say over research priorities and the allocation of funds in places like the Smithsonian Institution. In the final analysis, it was the Iroquois people that came to me and said "we're interested in this, are you interested in the Iroquois roots of American democracy?" In the future, questions that American Indian people deem important should have a great deal of validity in institutions of culture and learning, i.e., the National Endowment for the Humanities and the Smithsonian. Let us hope that the call is heeded. Why can't people recognize that Native Americans have priorities about their history? American Indian people should not be ignored in their pursuit of a new Native American history.[18] Thank you.

1. "Proceedings of the Commissioners appointed by the Congress to negotiate a treaty with the Six Nations, 1775," *Papers of the Continental Congress, 1774-89*, National Archives (M247, Roll 144, Item No. 134). See Treaty Council at German Flats, New York, August 15, 1775.

2. This speech by the treaty commissioners of the Continental Congress was actually recalling the bundle of arrows imagery in Section 57 of the Great Law of the Iroquois people. See White Roots of Peace, *The Great Law of Peace of the Longhouse People* (1971), Section 57.

3. *Papers of the Continental Congress*, August 25, 1775 at Albany, New York.

4. *Papers of the Continental Congress*, August 28, 1775.

5. *Papers of the Continental Congress*, August 28, 1775.

6. *Papers of the Continental Congress*, August 31, 1775. Over a generation ago, the noted historian, Julian P. Boyd (editor of the Jefferson papers) noted that Franklin, "...proposed a plan for union of the colonies and he found his materials in the great confederacy of the Iroquois." See Julian P. Boyd, "Dr. Franklin: Friend of the Indians," in Roy N. Lokken, ed., *Meet Dr. Franklin* (1981), 239. Boyd also says that the unity of the Iroquois "...was as example worthy of copying." (246).

7. See Worthington C. Ford, ed., *Journals of the Continental Congress*, V: 430. Earlier in the year, some delegates to the Continental Congress were already referring to it as "... the Grand Council Fire in Philadelphia" in their private correspondence to their Non-Indian constituents. See Robert Treat Paine to Joseph Palmer, January 1, 1776 in Paul H. Smith, ed., *Letters of Delegates to Congress, 1774-1789* (1976-) III: 5.

8. "Codocil to Last Will and Testament of Benjamin Franklin," Philadelphia, June 23, 1789, Franklin Papers, MSS Div., Library of Congress. Also see Betsy C. Corner, "Dr. Fothergill's Friendship with Benjamin Franklin," *Proceedings of the American Philosophical Society*, CII 5 (October 1958) and Alfred Owen Aldridge, *Benjamin Franklin: Philosopher and Man* (Philadelphia: Lippincott, 1965) 112-113.

9. Pierre Jean George Cabanis, *Oeuvres Posthumes de Cabanis* (1825) V: 256, 245-246. For a more detailed discussion of Franklin's conversations about American Indians, see Aldridge, *Franklin*, 112-113; Aldridge, *Franklin and His French Contemporaries* (1957) 30-38, 234-238; and Aldridge, "Franklin's Diestical Indians," *Proceedings of the American Philosophical Society*, Vol. 94: 4 (August 1950).

10. To date no studies have been done of the Saint Tammany Society and its influence on the U.S. Constitution. The Saint Tammany Society was an organization of great importance, with chapters from New York City to Savannah, Georgia in the 1780s. It seems to have been a society of middle class professionals and artisans. The toasts of the society used Iroquois rhetoric to describe American government and its leaders. Each local society also made it a point to know about the political and cultural structures in its area. Even before the revolution, the Saint Tammany Society talked of uniting "... in their hearty endeavors to preserve the native Constitutional American Liberties." *Pennsylvania Chronicle*, May 4, 1772 and *Pennsylvania Evening Herald*, May 6, 1786. On May 1, 1777, John Adams, while in Philadelphia, described in detail the origin and celebration of Saint Tammany's Day to his wife. Lyman H. Butterfield, ed., *Adams Family Correspondence* (Cambridge: Harvard University Press, 1963) Vol. II: 229-30.

By 1790, the Saint Tammany Society was referring to the U.S. Constitution as a "... tree of peace [to] shelter us with its branches of union," and toasting President Washington as the "... beloved sachem of the 13 fires." These obvious references to the Iroquois and the Constitution were made at a banquet where Thomas Jefferson (Secretary of State), John Jay (Chief Justice of the U.S. Supreme Court), and Henry Knox (Secretary of War) were in attendance (*New York Journal*, August 3 & 10, 1790.)

11. Benjamin Franklin to Cornstalk, the Cherokee Chief, June 30, 1787, Franklin Papers, MSS Div., Library of Congress. Cornstalk is a popular "Indian name" used in the Tammany Society.

12. See Leonard W. Larabee and Whitfield J. Bell, Jr., eds., *The Papers of Benjamin Franklin* (New Haven: Yale University Press,)V, 387, and Eric P. Newman, "Franklin Making Money More Plentiful," *Proceedings of the American Philosophical Society*, Vol. 115: 5 (October 1971).

13. See *Apocalypse de Chiokoyhehov, Chief des Iroquois...* (1777) in the Library Company of Philadelphia; Dwight W. Hoover, *The Red and the Black* (Chicago: Rand McNally, 1976) 56-57; "Talk...at Easton in Pennsylvania by Sundry Commissioners appointed by the United States to hold a treaty with ... the Six Nations and their allies," January 30, 1777 (Written by Thomas Paine), Edward S. Ayer MSS Collection, Box 426, Newberry Library, Chicago, Illinois, and Charles G.F. Dumas to American Commissioners, December 16, 1777, Leonard W. Larabee, ed., *The Papers of Benjamin Franklin* XXV: 293-294. Since Paine and Franklin had met in England and had become friends before the Revolution, it is not unusual for Thomas Paine to use covenant chain imagery in his correspondence with Franklin. Paine informs Franklin of his appointment to the Committee for Foreign Affairs and states: "There has been such a wonderful and visible chain of matters, without the disorder of a single link, in bringing this important matter to an issue ...." Thomas Paine to Benjamin Franklin, June 20, 1777, in Larabee, ed., *Franklin Papers* XXV: 204-205.

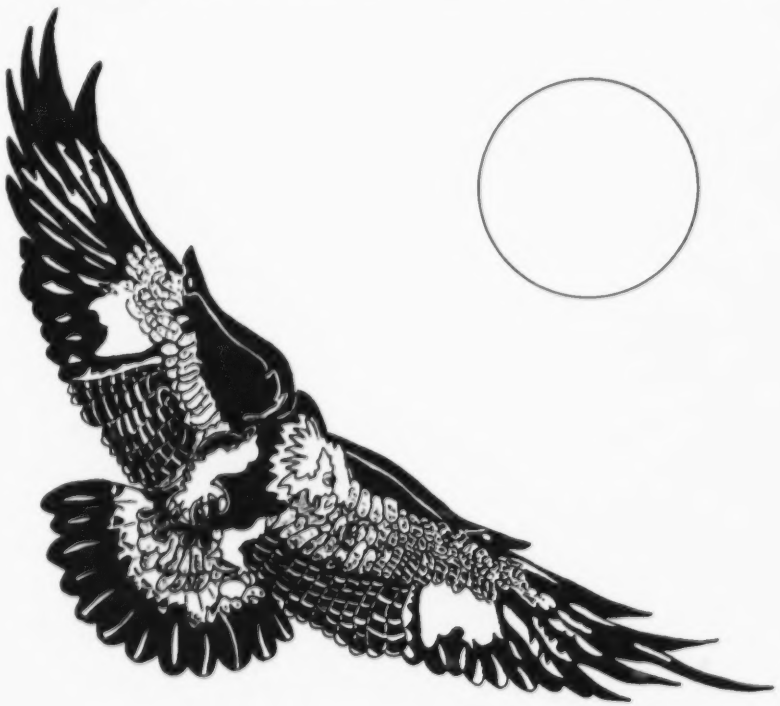
14. Richard Barry, *Mr. Rutledge of South Carolina* (New York: Duell, Sloan, Pearce, 1942) 338 and Chapter III; Charles L. Mee, Jr., *The Genius of the People* (New York: Harper & Row, 1987) 237; and "Propositions, Objections &c in Debates on Adoption of the Constitution," James Wilson Papers, MSS Div., Historical Society of Pennsylvania.

15. *The American Museum: Or Repository of Ancient and Fugitive Pieces, &c Prose and Poetical*, II (August 1787) 201; in *American Philosophical Society*.

16. In a speech before the Pennsylvania Ratification Convention in November 1787, James Wilson, Constitutional Convention delegate from Pennsylvania (friend of Franklin and a member of the Committee of Detail) recalled the necessity in the Constitutional Convention to create a strong union while preserving the states. He said the only solution was the one offered by a group that adopted the phrase "unite, or die" (Iroquois imagery used by the Constitutional Sons of Saint Tammany and, of course, Franklin). See Max Ferrand, ed., *Records of the Federal Convention* (Washington, D.C.: Government Printing Office, 1911), III: 138-140.

17. The idea does have detractors. See Lexus Wire Service interview on National Public Radio in August 1987 with Michael Kammen, Professor of History at Cornell University.

18. Examples of insensitivity abound in contemporary scholarship. James Axtell believes that "...historians need not feel unduly sensitive about their lack of personal research among contemporary tribal cultures. Often the descendents of their historical subjects no longer survive, or, if they do, have lost much of their historical cultural character." James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (Oxford: Oxford University Press, 1981) 10. In Isabel T. Kelsay's recent biography of Joseph Brant, we can see the Mohawks stereotyped in the following manner with no evidence to back the assertion up: "Harmless, good-hearted creatures generally, their one great vice was drink. Male and female, old and young, they all craved rum; it was their greatest pleasure, and when really thirsty any of them would give anything he possessed for a drum of 'that Darling Water.' There is no reason to suppose that Joseph [Brant's] parents were any better, or any worse, than this." Isabel T. Kelsay, *Joseph Brant, 1743-1807* (Syracuse: University Press, 1984) 40-41. It is interesting to note that Professor Kelsay offers no shred of evidence about the nature of Joseph's parents except the standard racial stereotypes about alcohol.



The Price of American Liberty is Paid in Indian Lands

Robert W. Venables

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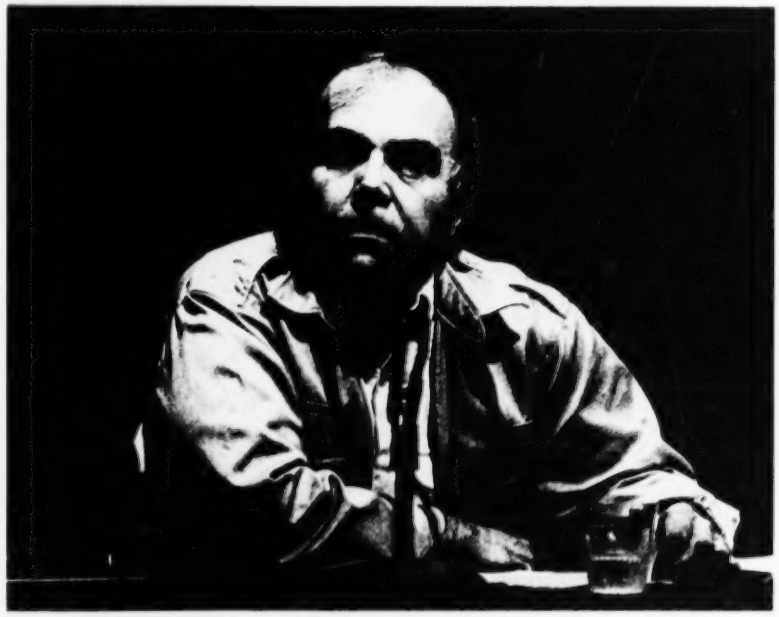


Robert Venables: "In 1787, at Philadelphia, the euphemisms for American Indians were Western lands or territories."

NEIQ Photo: Tim Johnson

I would like to thank Cornell University for setting up this program and for inviting all of the participants including myself here.

Both the Iroquois and the United States were confederacies in 1787; both followed governments that emphasized decentralized, local autonomy whenever possible for their member states. There were other Indian confederacies, such as the Creeks in the South, who shared this perspective of decentralization. Thus America south of Canada and east of the Mississippi was a land of confederacies, red and white.

Fifty-five white delegates met in Philadelphia in 1787 to discuss the future of the United States under its current form of government, The Articles of Confederation. Instead of proposing amendments to the Articles of Confederation, as they had been expected to do, they proposed a centralized form of government with a "Constitution for the United States of America." This paper discusses a few of the many events and many themes which lay behind that Constitution.

The whites' relations with Native American nations became even more chaotic under the Articles of Confederation than they had been under the British. Throughout this colonial period the Iroquois made it clear that they would prefer the colonists to unite and to keep to their treaties.

Throughout all of the 17th and most of the 18th centuries, England's North American colonial subjects became embroiled in numerous wars with their French rivals to the north. Once begun, the English colonies never coordinated these wars very effectively, much to the consternation of their allies, the Iroquois Confederacy, also called the Five, and later Six Nations, known in their own languages as the Haudenosaunee. Treaties and councils had to be constantly convened with the white representatives of this ambiguous English empire because past agreements rarely lasted for more than a decade. Thus each Iroquois generation had to polish the chain of friendship several times.

Not only were the English unreliable military allies, they were also fickle allies in times of peace. Treaties to the contrary, the various English colonial governments were unable to control their own citizens. These English subjects broke their own laws continually. The poor among them squatted on Iroquois lands, while the wealthy whites illegally speculated on Iroquois lands for which their own government had not yet negotiated. All classes of whites cheated in the fur trade.

The English, nevertheless, were usually preferable to the even more inept and squabbling colonial group, the French. And because trade was profitable, even given the cheating, the Iroquois put up with their English speaking white neighbors. This they did even when the white population increased to a point where it was clear that however inept the English were, they were demographically triumphant. The English exported thousands of their more unfortunate countrymen from the home islands and recruited others in Europe. No matter how many refugee Indians the Iroquois welcomed into their own political embrace, it was impossible to counterbalance the ever increasing white colonial population.

The Iroquois believed in local autonomy, and the Iroquois concepts of confederacy consisted of broadly drawn ethical guidelines for cooperation.

In addition to the colonial wars the English fought with other Europeans, such as the Dutch, the French, and the Spanish, the English colonists were constantly bickering among themselves over claims to each other's lands.

One of the worst examples occurred in 1675. When the Algonquin Indians of New England fought the New England white colonists in what was known as King Philip's War, it seemed logical to expect that the English governor of New York would assist the New Englanders. Instead, the New York governor, Edmund Andros, sent two ships to invade and occupy a part of Connecticut. The New York governor was turned back without firing a shot only because the Connecticut colonists surprised the Governor by being prepared to fight him. Moreover, London and local colonial governments constantly contested for sovereignty within the same empire until their political competitions broke into open warfare in 1775, in a civil war known as the American Revolution.

When the ambiguous English empire came to an end, the old political tensions and competitions remained as the heritage of the former colonies, now states. The whites' relations with Native American nations became even more chaotic under the Articles of Confederation than they had been under the British. Throughout this colonial period the Iroquois made it clear that they would prefer the colonists to unite and to keep to their treaties.

Originally, the Iroquois seemed to have believed that their own Great Law, symbolized by a great tree, and the English law were not contradictory but were, instead, complementary. They could see that the political units of the various English colonies were at least as locally autonomous, if not more so, than their own member nations. Therefore, an alliance for trade and defense with the English did not seem to be inimical to their own continued independence.

As only English translations of treaty councils survive, they must be analyzed with some caution. Nevertheless, the terms and imagery suggest the Iroquois perception of their own government and its relation to the English government.

On July 30th, 1684, Iroquois diplomats met in Albany with the governors of Virginia and New York. A spokesman for the Iroquois delegation addressed the whites: "We now plant a Tree, who's tops will reach the Sun and its Branches spread far abroad, so that it shall be seen afar off; & we shall shelter ourselves under it, and live in Peace [with the whites] without molestation." Since the symbol of the Iroquois law and peace was, and is, a great tree, is it possible that the Iroquois believed that they were extending their law, their peace, to the whites?

The Iroquois believed in local autonomy, and the Iroquois concepts of confederacy consisted of broadly drawn ethical guidelines for cooperation. It is quite possible that the Iroquois believed their peace and their law complementary to the whites and that the parallel governments and histories of the two separate peoples, red and white, would nevertheless be based on the same broad concepts the Iroquois had established under their own Great Tree of Peace.

In that same conference, the Onondagas and the Cayugas then addressed the governors using imagery which clearly demonstrates how the Iroquois believed their laws and political system could work with those of the whites: "Our Fire burns in your Houses, and your Fire burns with us." That the Iroquois regarded themselves as allies, not as subjects, is seen by the Iroquois telling the governors that, on the one hand, they had put the Susquahanna River valley "under the Protection" of the Duke of York and the colony of New York. Yet they also state in that same speech that they would not allow anyone from Pennsylvania to settle on the Susquahanna because it was Iroquois land and "we have no other Land to leave our Children." Thus the Iroquois felt comfortable in making an alliance but believed — and so stated firmly — that the alliance did not affect their right to control who lived on their land.

Interestingly, the Iroquois delegates went on to refer to King Charles II, saying, "We have put our Selves under the great sachem Charles." Since sachems or chiefs in their own political system certainly had no right to call members of other Iroquois nations subjects, is it possible that the Iroquois saw the English king simply as another sachem, another ally, but not as a monarch who could claim sover-

eignty? Evidence that this was, indeed, the case is emphasized in the closing of this lengthy speech in which they again refer to King Charles II: "Let your Friend, the great Sachem that lives on the other side [of] the great Lake, know this, that We, being a Free People, tho' united to the English, may give our Lands and be joyn'd to the Sachem we like best." The implied threat was that they might some day ally with the French if the English did not keep to their treaties. Clearly, if they had the power to give to whom they chose, the Iroquois retained the power to take back and were hardly a "subject" people in their own minds.

In 1685 the Iroquois again planted a symbolic tree in the presence of the English, and the English in turn referred to the Indians as "united with us in our agreement" and "protected by the branches of the great tree of welfare." During this same 1685 conference, the English referred to the Iroquois as both "children" and "brethren." Lest there be any confusion over the meaning of this, the Iroquois replied that a matter which concerned both the whites and the Iroquois, but which involved the return of white prisoners currently held on Iroquois land, would not be decided by the English. The Iroquois stated clearly, "The matter will have to be decided upon by the sachems in the [Iroquois] country," yet the English claimed that the Iroquois were subject people and not free and independent. After the Revolution, the United States, in turn, claimed that the English had transferred these subjects to their own jurisdiction. That this was groundless is reflected by Sir William Johnson who, as the Superintendent of Indian Affairs in the Northern colonies, and as the representative of the British Crown, was the man on the front line of Iroquois diplomacy. In 1772, he had been asked by the English government whether or not the Iroquois were subjects, and he replied on October 7, 1772, "As for the Six Nations having acknowledged themselves Subjects of the English that I conclude must be a very gross Mistake and am well satisfied that were they [the Iroquois] told so, they would not be well pleased. I know I would not venture to treat them as subjects... I believe they would on such an attempt, very soon resolve to cut our Throats."

While it is possible, then, that the Iroquois originally perceived the English as capable of living and allying with the Iroquois as co-equals under the Iroquois symbol of peace and law, the Great Tree, by the early 18th century the Iroquois clearly perceived the English to be a very different people who would have to unite under their own concepts rather than incorporate and adapt the confederated political standards of the Iroquois. The Iroquois nevertheless still believed that they could be an example to the English. It is in this context that in 1744 an Onondaga representative of the Iroquois government, Canassatego, addressed the white English colonial subjects of King George II: "Our Wise forefathers established Union and Amity between the Five Nations. This has made us formidable; this has given us great Weight and Authority with our neighboring Nations. We are a powerful Confederacy and by your observing the same methods our Wise Forefathers have taken, you will acquire such Strength and power."

Canassatego's advice was offered to white English colonists whose diversity went unchecked by colonial administrators. This was due to rivalries among the colonies, each of which continued to be jealous of its own particular land claims and forms of government. They even quarreled over which of the many Christian religions, if any, each colony would follow. Diversity went unchecked, in part because of the profits which could be made along colonial and Atlantic trade routes, a trade which included the Iroquois. When trade became less profitable, the white residents of America proved quite willing to overthrow whatever government was in power. In 1775 that government was England's; in 1787 that government was their own Articles of Confederation which the white Americans replaced with the Constitution.

It is quite possible that the Iroquois believed their peace and their law complementary to the whites and that the parallel governments and histories of the two separate peoples, red and white, would, nevertheless be based on the same broad concepts the Iroquois had established under their own Great Tree of Peace.

I would now like to turn to the Philadelphia Convention itself. Founding Fathers can be found lurking all around the Iroquois. There were a total of 55 Founding Fathers in Philadelphia at the Constitutional Convention. Their relationships to Indians and to the Iroquois in particular is revealing. Two of these Founding Fathers had participated in the notorious campaign of General John Sullivan which carried out a scorched earth policy against the Iroquois in 1779. These two were Jonathan Dayton of New Jersey and Georgia's William Pierce, both of whom had served as aides to General Sullivan. A third Founding Father, as the Commander-in-Chief of the Patriot army, was the man who had ordered that scorched earth policy, George Washington.

Two of the other Founding Fathers had, the year prior to the Constitutional Convention, served as two of six Massachusetts commissioners with a significant assignment that related to the Iroquois. These two, Rufus King and Elbridge Gerry, met with commissioners from the state of New York in 1786 and carved up Iroquois lands between the two states. This partition of Iroquoia anticipated a division of Iroquois lands through treaty negotiations which had not yet been called and about which the Iroquois were unaware. More significantly, at least 14 of the Founding Fathers, that is 25%, were speculators in American Indian land. These 14 were George Washington, the President of the Convention; Benjamin Franklin, America's elder statesman; Alexander Hamilton, Robert Morris, George Mason, James Wilson, Jonathan Dayton, Elbridge Gerry, William Blount, William Few, Thomas Fitzsimmons, Nicholas Gilman, Nathaniel Gorman, and Hugh Williamson.

Since sachems or chiefs in their own political system certainly had no right to call members of other Iroquois nations subjects, is it possible that the Iroquois saw the English king simply as another sachem, another ally, but not as a monarch who could claim sovereignty?

American Indians are only mentioned specifically in two sections of the Constitution. Constitutional scholars have often thus written off the Indians as unimportant. In fact, they have missed the euphemism for Indians, which the Founding Fathers preferred to use when discussing Indian issues. To understand this euphemism, a late 20th century example is in order. International politicians frequently refer to the issue in the Middle East as the issue of the "West Bank." It is more comfortable to refer to land than people, but everyone who uses the term knows that the term refers to more than real estate: it refers to Moslems. In 1787, at Philadelphia, the euphemisms for American Indians were western lands or territories. When the Founding Fathers wrote into the Constitution provisions related to "western lands" and "territories," they were talking about Indian lands. One way or another, they had to obtain those lands. Because the Constitution is very much about western lands and territories, it is very much about Indians. Indian land and its immediate acquisition was as important an issue in the United States at the time of the framing of the Constitution as interstate and international commerce.

Furthermore, the Constitutional Convention was, in part, about what the 20th century has chosen to ignore or put in footnotes. The American Revolution had cost money and the United States was in debt. To help pay that debt, to help pay the price of white liberty, the ex-colonists were going to force Indians to part with their lands either by fraud or war and then resell the lands at a huge profit. If the public debt could not be retired, in large part through the profitable turnover sales of Indian lands, the American economy would be in severe jeopardy. At least 40 of the 55 delegates held public securities which would collapse if the United States failed to get western lands, Indian lands. Even new canals – one of George Washington's pet projects and expanded commerce would be vastly more successful only if land could be acquired from the Indians by fraud or by war.

Another reason for acquiring Indian land was that the revolutionary soldiers had been promised land in exchange for their military service. These promises had been extended by both the individual states and the Articles of Confederation government. In 1784, United States negotiators at the Treaty of Fort Stanwix told the Mohawk leader, "We are sorry to tell you that we have not paid our Soldiers that fought for Us during the War, and put them off with giving them some Lands in Leiu [*sic*] of payment and now they insist on our keeping our promise." Even though speculators had purchased at a discount many of the veterans' rights to their payments in land, the debt was still owed. The Northwest Ordinance, passed by the Articles of Confederation Congress in 1787, was a harbinger of this policy. The Constitution assured a greater stability on the Indian frontier, as both the states and the central government helped pay their revolutionary debts with Indian land, and created stability so that settlers could take up those lands.

Such a policy was not new in the European tradition. The Normans had conquered England in 1066, using just such a policy, and the Spanish reconquered the Iberian Peninsula from the Moslems with a similar policy of conquered land in exchange for military service. The Spanish brought their policy to the Americas. The English, having recently used this same policy to pay for the conquest of Ireland in the 16th century, extended it to North America. During the 18th century, veterans of the so-called French and Indian colonial wars had come to expect such land bounties, and so the Founding Fathers were in keeping with tradition.

On July 11, 1787, James Madison joined his Philadelphia colleagues in a debate over the euphemisms, "western lands and the admission of new western states," all of course on Indian lands. Madison had no doubt regarding the inevitability of United States occupation of Indian lands all the way to the Mississippi; the only question was when. On September

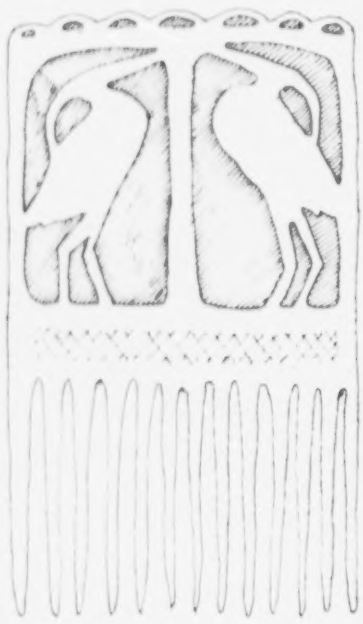
8, 1787, toward the end of the Philadelphia Convention, Gouverneur Morris noted that there were, to his mind, "two great objects of the Union" that is, two objectives above all others which the Constitution would provide. The first was "the fisheries," that is the grand banks, and the second was "the Mississippi." Since the Philadelphia Convention had the presumption, the audacity, to discuss a United States population reaching to the Mississippi, the Founding Fathers obviously expected, eventually, to get the American Indians out of the way. Existing treaties were meant only to buy time. The Constitution would more effectively centralize the military and economic effort necessary for expansion, something the Articles of Confederation were less able to do.

Toward the end of his life, James Madison reflected upon the major issues which had motivated the Philadelphia Convention in 1787 and wrote that there were six major reasons. One of the six was Indian lands. To acquire Indian lands the Founding Fathers felt that wars were more expensive than treaties. Thus, the Indian treaty clause of the Constitution was intended to prevent wars, especially wars begun by individual states. The Founding Fathers hoped that the Indians would be persuaded to part with their lands fairly, by treaty. However, given the fact that Indian land was indispensable to the survival of the American economy, it is difficult to view that hope as anything other than posturing or cynicism. Whatever the hope, the reality was the professional United States Army that went into battle in 1794 and won a victory over the Indians of the Great Lakes and Ohio at the Battle of the Fallen Timbers.

The Enlightenment philosopher Montesquieu had warned that Rome had become corrupt after it embarked on imperialist expansion. Montesquieu believed that Rome, thereafter, had left behind the virtues that only a small nation could encourage.

Mercy Warren of Massachusetts had been critical of the Constitution, and she had been a proponent of maintaining, continuing, the Articles of Confederation. In 1805, she extensively reviewed her revolutionary generation in her *History of the Rise, Progress and Termination of the American Revolution, Interspersed with Biographical, Political, and Moral Observations*. Even given her ethnocentric perspective of Indian history, her comments regarding the virtue of a small nation and her view of the consequences of the United States Constitution, even by 1805, are incisive: "It might have been happy for the United States... if... *a Chinese wall* had been stretched along the Appalachian ridges, that might have kept the nations within the boundaries of nature. This would have prevented the incalculable loss of life and property, and have checked the lust of territory, wealth, and that ambition which has poured out streams of innocent blood on the forlorn mountains. The lives of our young heroes were too rich a price for the purchase of the acres of the savages, even could the Indian nations be extinguished who certainly have a prior right to the inheritance: this a theme on which some future historians may more copiously descant...." "No steps," Mercy Warren went on, "during the civil functions of president Washington, were so unpopular as the Indian war, sanctioned by the president soon after the operation of the measures of the new government.... America should indeed forever have maintained a character of her own that should have set her on high ground, whence she might have looked down from the pinnacle of independence and peace, and only have pitied the squabbles, the confusion, and the miseries of the European world." Yet even as Mercy Warren's book was being read by the American public, the United States had assigned Lewis and Clark to report on the new territory into which the United States intended to expand, the Indian lands west of the Mississippi. Under the United States Constitution the price of white liberty, which American Indians had helped to define, would ironically continue to be paid for by the seizure of Indian lands. The price of that liberty among non-Indian people continues to be paid for by American Indian lands. Thank you for inviting me.

Because the Constitution is very much about western lands and territories, it is very much about Indians. Indian land and its immediate acquisition was as important an issue in the United States at the time of the framing of the Constitution as interstate and international commerce.



Indian Thought Was Often in Their Minds

Bruce Johansen

Dr. Bruce Johansen is professor of journalism at the University of Nebraska. He is the author of Forgotten Founders: Benjamin Franklin, the Iroquois and the Rationale for the American Revolution.

Bruce Johansen: "The colonists who shaped the new United States recognized the native contributions to their formative society."

NEIQ Photo: Tim Johnson

I want to start out by saying that as we concentrate on the very powerful example of the Iroquois, let's not forget the fact that there were Indian confederations all up and down the Eastern Seaboard. There were Indian confederations among the Cherokees, the Choctaws and others, and let us also not forget that at the time of the Constitutional Convention the colonists were a minority; they were small settlements.

Can anyone tell me the size of, for example, Philadelphia in 1776? It was about the size of Ithaca and Boston and the other major cities were similar in size. They were small islands in a sea of American Indian confederacies. They traded, they conducted diplomacy, they interacted socially, day by day by day, and they couldn't help but be shaped by what was happening in this land.

To me it seems absurd to assume any other way. I mean, if you look at it from the perspective of that time, they were swimming in the sea of Indian peoples. If you swim in the sea, you are going to get wet. It makes sense.

The idea of Indian influence is not new, of course. During the research for my book, I had the opportunity to read nearly everything Benjamin Franklin and Thomas Jefferson wrote. Indian thought was often in their minds.

The idea of Indian influence was common intellectual currency among our founders. As a history, the idea began to resurface in the 1850s. It rose and fell in public consciousness over time. Recently David Griffith, a trial lawyer from Colorado Springs, showed me an entry in the 1904 *Encyclopedia Americana* on Iroquois government, addressing this very subject.

How encouraging it is to see the celebration of our Constitution's bicentennial again make the idea of American Indian contributions part of our "national civics lesson." Encouraging and timely. Or, should I say: it's about time – again. This time, I hope the idea will become firmly rooted in our national consciousness: in our public discourse, in our school curricula, in our academic discussions, from coast to coast. What the Iroquois and other native confederacies taught us has helped make us what we are. These are profoundly important ideas that bear on how dearly we all hold our liberty, personal freedoms, and respect for those of others.

As we concentrate on Constitution with a big 'C,' let us also not forget to emphasize constitution with a small 'c' because it was the general state of mind which made such things possible. Just for a couple of seconds I'd like to concentrate on the way the colonists perceived the image of the American Indian that they had as an alternative.

For example, if you take the people who dumped the tea, everyone knows, every school child knows, that they dressed up as Mohawks, but few historians have asked why? You know, was it that they got a sale at the costume shop? My word, why not ask the essential

question here: why did Paul Revere, *et al*, decide to dress themselves up like that? It was a symbol – they had to find a symbol to counterpose the symbol of the tea. The tea symbolized George III's oppressive taxation, monarchy, everything that they came over here to get out of – that was the tea. The Mohawk disguise symbolized them as being of this earth and being damn mad about the tea tax. It was in their disguise, it was in their songs. The Indian in the eyes of the colonists was a symbol for their own act a long time before Uncle Sam. They sang such things as:

Rally, Mohawks, and bring your axes,

and tell King George we'll pay no taxes

on his foreign tea.

Foreign tea, you know. They were just at the stage in the 1760s, 1770s where they were beginning to assume a state of mind which told them that they were of *this* earth, that they were no longer Europeans.

We must venture into the realm of the way they saw things and do our best. At the same time the tea was being dumped, Benjamin Franklin was drafting the *Articles of Confederation*, which bore a great deal of resemblance to the plan that he drew up in Albany. Franklin had been printing Indian treaties since 1736 and not only was he acquainted with them, he set the type. He had it on his mind. Canassatego in 1744 had advised the colonists that they would be much better off if they got their act together on a federal basis.

"Our wise forefathers established union and amity between the Five Nations," Canassatego told colonial delegates. "This has made us formidable. This has given us great weight and authority with our neighboring nations. We are a powerful Confederacy, and by your observing the same methods our wise forefathers have taken, you will acquire much strength and power; therefore, whatever befalls you, do not fall out with one another."

In 1751, Ben Franklin almost echoed what Canassatego said. When he wrote to his printing partner, James Parker, he asked, why can't the English get together if the colonists, or if the Iroquois can? We've all heard the quote: *it would be a very strange thing if six nations of ignorant savages should be able to form a scheme for such a union and be able to execute it in such a manner as it has subsisted for ages and appears indissoluble and yet a like union should be impracticable for ten or a dozen English colonies.*

We have to stop for a second, and ask just what he meant by "ignorant savages," because I think he was being satirical at the expense of the colonists. I don't think he meant it as a straight comment. He seemed to ask just who are the savages here anyhow? Time and time again, Franklin raised the essential question all through our history, *who are the savages anyway?* Again and again, over and over throughout the history of that time, person after person who was influential in the shaping of the country, chooses the Indians to counterpose things that they couldn't stand overseas, where they came from. You know, they were very conscious of the fact that they were after something else. They were after something that would combine both what they had brought over and what they saw here, and it's what makes us what we are.

If you look in this month's *National Geographic*, you are going to see in it just how mixed up on occasion things became. There's an old black and white engraving which purports to show Indians in council, but it was done by someone in Europe who hadn't ever seen a council. If you look real closely, the Indians have something on that looks like a toga – strange but true – and if you look in the background, you see the rolling hills of Italy. But keep in mind that the artist was combining what he heard and what he thought.

The people over in Europe had some strange ideas. For example, Franklin told a wonderful story about having supper with a group of Frenchmen. The group included Count deBuffon, one of the leading advocates of a group of Frenchmen who espoused the theory that if you came to America and even so much as breathed the air or ate food out of the soil, you became inferior to Europeans. This was taken by some people in Europe as science.

In the 1860s and 1880s there was a school of pseudo-science which held that you could estimate a person's intelligence by measuring the size of his or her skull and, of course, they found out that people in Europe had great big skulls and the biggest skulls of all were my own ancestors from Scandinavia; they don't call us 'jarheads' for nothing. It was used as a justification for westward expansion: we're smarter, you know.

Anyway, to go back to Franklin's story, they were across the table, debating it, and the Count was saying, "You know, you look at the Indians: they don't have as much hair on their chest." He hadn't ever been over here so he wasn't basing what he was saying on direct observation but he said, "Well, there aren't as many of them as there are of us." So he concluded that the Indians couldn't have sex and be happy. He didn't say anything about small pox, or all of the things that actually made it happen. So, Franklin kind of sat back and he soaked it up, and then his time came to reply and he said, "Why don't we all just stand up?" The Americans were on one side and the French were on the other side. The Americans stood up, the French stood up. The Americans were a whole foot taller and he said, "Case dismissed." You know he was very much an advocate of America in many, many senses.

Franklin spearheaded the Albany Conference in 1754, which brought colonial delegates together to discuss his plan for union, a loose

confederacy resembling the Iroquois system in some ways, and European precedents in others. The Mohawk sachem Tiyanoga (Hendrick to the British) was invited to the conference especially to brief the delegates on the Iroquois political system, which is outlined in the Six Nations' Great Law of Peace. The Great Law still functions today in upstate New York and nearby regions of Canada as the oldest surviving constitution on the continent.

The Iroquois Great Law also was a written document, preserved on wampum belts of great antiquity. These belts aided the recall of sachems in council. Many other Native American societies governed themselves through confederacies as well. The Cherokees and Choctaws to the south, the New England Indian nations to the east and north: the European immigrants were surrounded by examples of democracies that Europe's written records only recollected through books. The Greek city-states, the Roman Republic and the mythical democracies of the Celts and Germans were but hazy memories to the Europeans becoming Americans. The evidence of the republican form of government they sought existed before their eyes, on American soil.

The assemblies of the colonies rejected the Albany Plan, but many of its provisions reappeared in Franklin's drafts of the *Articles of Confederation*. The basic concept of balancing powers and a federal system lived on in the Constitution, a system meant to bind peoples who wanted to preserve their own autonomy in local matters, an ideal form of government for colonies which differed in many respects, spread over a geographical area that was enormous to European eyes at that time.

One of the early American character traits was a passion for liberty - a theme in which the Indian was often used as an exemplar *vis a vis* monarchial Europe. Franklin was the best example of this, but Thomas Jefferson remarked on it as well. Writing to Edward Carrington in 1787, Jefferson said, "The basis of our government being the opinion of the people, our very first object should be to keep that right of expression. Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter." But Jefferson went on to say, "I am convinced that these societies as the Indians enjoy in their general mass an infinitely greater degree of happiness than those who live under European governments." He also said, "Public opinion is in the place of laws and restrains morals as powerfully as laws ever did anywhere."

Jefferson, in his time, tried to compile the most extensive book of Indian languages. Unfortunately for us, as he was moving from the White House back to Monticello, some of his effects were seized by thieves who thought they might have found something worth stealing. They opened it up, they saw his papers, they said, ah shucks! And they tossed them overboard.

Franklin and Jefferson saw in the native societies that surrounded the colonies what they believed to be a window on their own peoples' pre-monarchial past. The Celtic tribes often were mentioned as being as democratic as the Indians. The Iroquois often were compared to the Romans under the Republic, as well as to the Greeks.

Comments on the democratic essence of American Indian polities was too widespread to dismiss today as over-sentimentalization of the "noble savage." The founders acted on what they believed they saw (and expressed in their writings), not on what a 20th century scholar might think of their era. Roger Williams used the Indian example to support his case for tolerance of religious minorities as far back as 1640. The image of the Indian was woven into the Enlightenment that shaped the new republic.

The colonists who shaped the new United States recognized the native contributions to their formative society. During August 1775 — shortly after skirmishes at Lexington and Concord, less than a year before Jefferson composed the Declaration of Independence — delegates from the "Thirteen Fires" met with leaders of the Six Nations at Philadelphia in an attempt to procure their allegiance (or at least neutrality) in the coming revolution against British rule. During that conference, colonial commissioners told the assembled Iroquois, "Our business with you, besides rekindling the ancient council-fire, and renewing the covenant, and brightening up every link of the chain is, in the first place, to inform you of the advice that was given about thirty years ago, by your wise forefathers, in a great council which was held at Lancaster, in Pennsylvania, when Canassatego spoke to us, the white people, in these very words..." The commissioners then repeated, nearly verbatim, Canassatego's words at Lancaster as Franklin had published them. They continued:

> These were the words of Canassatego: Brothers, our forefathers rejoiced to hear Canassatego speak these words. They sank deep into our hearts. The advice was good. It was kind. They said to one another: The Six Nations are a wise people. Let us hearken to them, and take their counsel, and teach our children to follow it... These provinces have lighted a great council fire at Philadelphia, and sent sixty-five counsellors to speak and act in the name of the whole, and to consult for the common good of the people...

Franklin, Jefferson and others often used the Indian example as a counterpoint to what they regarded as a tyrannical and corrupt Europe.

Franklin, in Europe, was called "philosopher as savage." Jefferson called himself "a savage from the mountains of America." Both saw egalitarianism among the Indians as opposed to European society of "hammer over anvil" and "wolves over sheep." Franklin put it this way in 1770:

> The Care and Labour of providing for Artificial and Fashionable Wants, the sight of so many rich wallowing in Superfluous Plenty, whereby so many are kept poor and distressed for Want, the Insolence of Office... and restraints of Custom, all contrive to disgust them [Indians] with what we call Civil Society.

The example of American Indian societies provided Franklin, Jefferson, and others with a counterpoint by which to judge the societies which had sent their ancestors to America to seek refuge and freedom. Time and again, Franklin contrasted Indian practices to European customs in his writings. "All their government is by Counsel of the Sages," Franklin wrote. "There is no Force; there are no Prisons, no officers to compel Obedience, or inflict Punishment." Jefferson also remarked similarly on the degree to which American Indian societies operated on public opinion, with little of the coercion that so scarred American memory of European monarchies.

In his *Notes on Virginia*, Jefferson wrote that Native Americans had not "submitted themselves to any laws, any coercive power and shadow of government. The only controls are their manners, and the moral sense of right and wrong... An offence against these is punished by contempt, by exclusion from society or, where the cause is serious, as that of murder, by the individuals whom it concerns."

The American Indian conception of liberty is so deeply rooted in our way of life that we sometimes fail to recognize it. Let me suggest one legal connection: in 1963, the United States Supreme Court held (in *New York Times* v. Sullivan) that public officials cannot successfully sue for libel unless they are subjects of "actual malice." That is, unless the speaker knew his or her words were false before uttering them. The Court, in a way, was telling our public officials what the Great Law of Peace told Iroquois leaders many centuries ago: "Your skins shall be seven spans thick" when facing public questioning.

Now, no one can argue that the Iroquois made the Supreme Court do this in a blow-by-blow fashion. We are dealing with an idea here, an attitude toward public officials, freedom of expression, and liberty. Anyone who looks at the evolution of ideas in our society today cannot help but note how much closer we stand to the ideas stated in the Great Law than anyone in the Europe of 1776 or 1787 may have imagined. Read how the Iroquois respected women's rights. Read how their government forbade slavery. Read how seriously they took their liberties — and then read our own history. We struggle every day toward a "more perfect union," and, in so doing, we find the Iroquois example, and that of other American Indian confederacies, providing an historical example — not the only one, to be sure, but a very important light.

I don't think there's a single person here or any place else who is saying that we should ignore the Greeks or the Romans or the Magna Carta or the experiments in Switzerland or Holland. All we're asking is that we need to complete the picture, and I don't see why we should be denied that.

Unfortunately, our time is a conservative one. If you go back and look in the Great Law at the qualifications for a statesman, it doesn't bring to mind such people as Ronald Reagan, Oliver North, Edwin Meese, and others. I think the nicest thing that can be said about these folks is that their skulls are seven spans thick. You would think that a country with our size of population and our rich heritage could do a bit better, and part of that is understanding our true history, the whole of it. So thank everyone, thank everyone.

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The advent of the white man upon the Atlantic coast was at a time when this Iroquois League had practically mastered the Algonquin tribes, which in Canada, New England, the middle colonies and the West, had encircled the New York Indians as by a girdle of fire. The Algonquins embraced many tribes which had no common bond of union, but the Iroquois League, although of aristocratic temper, was quite republican and representative in form. Each Nation managed its private affairs independently, through chiefs and councils, but sent delegates to a Federal, or National Congress or Council, which controlled all interests that were common to the represented peoples. Women also were recognized as having a decisive voice in the election of delegates, and were esteemed as rightful umpires in all questions of war or peace. The limit to which men were to be subject to battle risks was for them to determine.

Jefferson, in framing a Constitution for the United States, honored these peoples by the adoption of their general constitutional system.

- General Henry B. Carrington
Encyclopedia Americana, *1894, Vol. 14*

The Iroquois Had Democracy Before We Did

Bruce Burton

Bruce Burton is professor of English at Castleton College (Vermont). He is the author of the novel, Hail, Nenne Karenna!, *on the founding of the Iroquois confederacy and the Great Law of Peace.*

Bruce Burton: "John Locke ... used the Canadian Huron's example of free government to support the glorious revolution of 1688 in England."
NEIQ Photo: Tim Johnson

I come to this subject from the point of view of a writer and a teacher of English. I teach Greek Tragedy among other things at Castleton College, and one of the things I know about our own literature is that we have no great epics, that is unless you consider *Gone with the Wind* our greatest epic. As a Yankee growing up in the green hills of Vermont, I was always filled with the ideas of freedom and self-determination. I'd heard over the years that the Iroquois had influenced our constitution but had never seen any literature to that effect. However, I had always had a strong historical interest, given the Revolution and our colonial origins.

Fifteen years ago, after about four years study, I began a novel on a theme that had to do with Vermont's pre-colonial history. Two years into that study I got a sabbatical from Castleton to write a novel and I came across Horatio Hale's *Iroquois Book of Rights*. When I read that, it took me about five seconds to put down the hundred pages that I had already completed and take up the Iroquois drama. I wanted to, if I was capable of doing it, write about the first American epic. If you follow the logic that the Great Law of Peace is the ancestral mother to our own government, then the story of the founding of the League is our first epic story. It took me eight years to research and write the book, and I want to thank the Mohawk people who assisted on language and legend. Any mistakes that you find in the novel are my own and not theirs.

If you follow the logic that the Great Law of Peace is the ancestral mother to our own government, then the story of the founding of the League is our first epic story.

Once the book was published, or actually just prior to its publication in 1981, I found myself in a corner. I had been saying that my book was the first epic of America but there was no literature that I knew of that supported my claim. I was not familiar with Don Grinde's work, and Bruce Johansen did not publish his *Founding Fathers* until 1982, so I very quickly knew that I had to back up what I was saying with my own research. So as a writer I suddenly turned scholar, historian, which is not an uncommon thing for people in English to do. I worked for two years on the study, and my results are independently founded and concluded. They are not dependent on any of the research that Don or Bruce have done, and I'm particularly gratified that our findings are so inherently over-lapping and mutually supporting, because that really does verify the truth of our findings.

What I am going to do today is amplify and tilt the perspective somewhat on the essay that I

originally wrote, that was published in 1981 in Canada by the *Anthropological Journal of Canada*, and then just recently picked up, for the purposes of this conference, by the *Northeast Indian Quarterly*, which published it last fall. What I want to do is improve upon that essay and maybe even in some respects shift the perspective to try and make several points which only a reading will allow me to do:

1) that the 16th century treatises of Bartolome de las Casas, inspired by the ill treatment of the native peoples in the Spanish possessions, initially challenged the traditional European view of the nature of man, asserting that native peoples possessed reason and were the equals of Europeans before God and that no man was a slave by nature.

2) European political philosophers such as John Locke, writing his second treatise on civil government, used the Canadian Hurons' example of free government to support the glorious revolution of 1688 in England.

3) During the long course of the French war in North America, prompted by Champlain's encounter with the Mohawks at Ticonderoga in 1608, the English colonies depended on a 150 year alliance with the Iroquois.

4) In the context of this long alliance with the Iroquois, the colonies were, by charter, distinct political entities which moved reluctantly but irrestibly toward confederation for their own defense;

5) that such a confederation or union of colonies was insisted upon by the Iroquois to maintain their chain of friendship with the English during the long struggle;

6) that the need for confederation was espoused by Benjamin Franklin who, employing Iroquois terms, became a specific but not the only instrument of diffusion of federal representative self-rule, modeled on the Iroquois example in his historic drafting of the Albany Plan of Union of 1754. Even though Franklin was the longest lived and pre-eminent statesman of his day, both in the colonies and in Europe, he has been overshadowed at the Constitutional Convention he attended in 1787 by the personalities of Washington, Jefferson (though Jefferson didn't attend the Convention), and by Madison in our historical writings;

7) that the Albany Plan provided a working model for Federalism and representative self-rule 33 years later at the Constitutional Convention of 1787.

The need for confederation was espoused by Benjamin Franklin who, employing Iroquois terms, became a specific but not the only instrument of diffusion of federal representative self-rule, modeled on the Iroquois example in his historic drafting of the Albany Plan of Union of 1754.

But, how can we show that Federalism and representative self-rule even beyond Franklin embodied in the Constitution had native roots? To answer this question, we must look at the Albany Plan and the Articles of Confederation first and at the language and concepts both stressed.

The Albany Plan was the result of a congress, attended by 150 Indians and 25 representatives from New York, Pennsylvania, Maryland and the four New England colonies, convened at the invitation of Lieutenant Governor James Delancy at the behest of the English Board of Trade and Plantations, for the purpose of conciliating the Iroquois during the French War. It was the first congress of the colonies and the first attempt to achieve a federal relationship to deal with the issues of self-taxation, to organize for the common defense against the French, and to supervise Indian relations in the settlement of land. It was held at Albany, at Iroquois insistence, since Albany had been their traditionally established place to conduct treaties with the colonies.

Further, since this was the first congress of the colonies to formally convene for the purpose of drafting a plan of confederation, and this is important, all historians agree that the Congress and the Albany Plan of Union it produced paved the way for the Stamp Congress of 1765 and the Continental Congress of 1774 and that, in its federal aspect, it foreshadowed the Articles of Confederation and the Constitutional Convention of 1787 itself. The fact that the Albany Plan was rejected by colonial legislators and the king for their respective reasons is irrelevant except only to note that the king rejected it as too democratic. But as soon as that congress had met, the idea of Federalism was planted and a first constitution written.

If we trace the influence of the Albany Congress and especially Pennsylvania through Franklin, we see the continuity in what followed, culminating with the Constitution of 1787. For example, Franklin is credited with authoring the Albany Plan and with using language which echoed Iroquois rhetoric, such as terming the federal deliberative body of colonial assembly representatives, the " Grand Council."

Where did Franklin come by this term and the concept of Federalism it embodied? We know his history as a printer of Iroquois treaties but are we also aware that seated at the head of the table of the congressional representatives besides Joseph Murray, James Delancy, John Chambers and William Smith was Sir William Johnson, an adopted Mohawk who spoke the language fluently? Or that also in attendance

there was Conrad Weiser, Franklin's fellow Pennsylvanian, fluent Mohawk speaker and honorary pine tree chief who sat in on many of the deliberations of Iroquois Grand Councils? Both of these influential colonial Americans acted as counselors to the Congress.

Further, in looking at the Albany Plan we notice that it provides for a President-General whose assent was required "to all acts of the grand council when that it be his duty to cause them to be carried into execution." There is in this provision a haunting echo, the veto power given to the Tadodaho over the Iroquois Grand Council, with the exception, in Tadodaho's case, that every nation had the right of veto, so he was granted no special powers.

To further attest to the continuing influence of Iroquois thought and rhetoric, on the federal aspect of our government's evolution, we need only turn to the Articles of Confederation, themselves drafted 27 years later in 1781 at Philadelphia, even though Franklin was not in attendance. Article I, for example, reads: "the style of this confederacy shall be the United States of America." Now, I ask, what other confederacy was there except the Five Nations or at that time the Six Nations Confederacy itself whose own designation was adopted to describe what the drafters of the Articles of Confederation were trying to accomplish? Additionally, in article III we find this language: "The said states hereby severally enter into a firm league of friendship with each other." Now, again I ask, why do the drafters of these articles use the phrase, 'a firm league of friendship' to describe their relations if they didn't have the same Iroquois term describing its own covenant in mind? And what else is the Great Law but a league of friendship literally, a great, good path for all to follow, or the path of peace and friendship?

It is worth noting that in the final form of the Constitution, that followed six years after the Articles of Confederation, echoes of Iroquois rhetoric are absent. The style of this confederacy will give way to the stylistic simplicity of Madison with the words "We, the people." But we should not also be reluctant to credit the Iroquois with planting a seed which took 33 years to germinate. It is enough to share a philosophy and be the heirs of a similar federalism based on representative self-rule when there were no other models before.

Franklin is credited with authoring the Albany Plan and he used language which echoed Iroquois rhetoric. He termed the federal deliberative body of colonial assembly representatives, the Grand Council.

If I can be afforded two analogies I might say, only a fool would suggest that we didn't get our idea for the game of lacrosse from the Indians because we play for an hour with a few men on each side on a field 120 yards long instead of two towns playing the game for several days over a distance of three miles. Or likewise, who would say that we didn't get the idea of the canoe from the Indians because we make them of solid body construction, out of fiberglass and aluminum, instead of something of composite construction covered with birch bark. And so, why can't we say the same of our government? They had it before we did because what finally evolved was not a change in function but a kindred structure to meet the specific needs of colonies of various sizes and dispositions.

Let me repeat, the idea of a duly constituted federal republic is a uniform idea from them to us. And how is it that no one knows this? For certainly if we are the children of the period of contact, then we should know about it.

I shall answer the first question as to the native roots of the origins of federal representative self-rule achieved in the colonies by shifting from Franklin to the larger case of diffusion as it took place through a combination of European religious history, colonial circumstance, and Iroquois proximity. Then I shall offer a test comparison involving the English and French experiences with the native people during the French War to show why democracy developed in the colonies and not in new France.

The French War was as much between Protestantism and Catholicism as over real estate. And for its origins we must look back to the Reformation itself. French Huguenots, for example, established colonies of uncertain duration in the Carolinas and Virginia in the 1570s after brutal religious warfare in France, a religious civil war which served as the backdrop to Montaigne's scathing essay, *Of the Cannibals,* written in 1579. In this essay, Montaigne holds up the comments on proper government, made by two Nova Scotia Micmacs visiting in Rouen, to his European readers.

The English came to Virginia in 1607 and the Protestant Dutch in 1609 to Albany where they traded with the Mohawks. These were the very Dutchmen who gave William of Orange sanctuary before a successful overthrow of the Catholic Charles in England, this very William of Orange whom Locke supported with his treatise 80 years after the Dutch trading post had been built at Albany. The Pilgrims came to Plymouth in 1620, together with Swedes and the Welsh. The rigorous Puritans came shortly thereafter, and the colony of Rhode Island was founded by Roger Williams in 1636. Later in the century, William Penn founded

Quaker Pennsylvania. There were various shades of Protestantism, from the Puritans to the Quakers, separatist, nonconformist and just plain nonviolent folk who sought in America a land of religious refuge from European persecutions and the conflicts occasioned by the Reformation. John Locke himself, for example, though he never set foot in America, wrote an article into the constitution of the colony of Carolina affirming religious toleration. Well into the 18th century, other English settlers of Protestant persuasion were followed by Presbyterian Scots and Germans.

The point that I am making is what every school child knows, that religious freedom was one of the principal motives for immigration to the colonies. And though they owed their overall loyalty to the English king, their charters or constitutions, which rendered them politically distinct entities according to who was backing a colony, stressed religious freedom.

And what of new France in the 16th and 17th centuries? From as early as 1534, when Cartier planted the cross for France on Gaspe Bay, the object of the French was possession of real estate, trade, and the conversion of the native people. To facilitate that trade, the church and the large fur-trading monopolies worked hand in glove. In fact so strong was the religious concern of the French that Cartier and Champlain themselves had been, it has been asserted, converted to Catholicism as prerequisite to their commissions. Wherever the explorers and the traders went, from the shores of Saint Lawrence deep into the Huron country and the Great Lakes, even down the Mississippi, they were closely followed by the Recollects and later the Jesuits whose accounts of the Hurons' civil government Locke read avidly and cited in his second treatise. Their aims were to establish missions and save the souls of the natives as they gathered the beaver pelts. But from Maine to Massachusetts and on Lake Champlain, the townships of New France became a string of forts, trading posts and missions, (with the exception of Montreal and Quebec), from Quebec to Sault St. Marie to St. Louis, to the mouth of the Mississippi. These places were not properly settlements, nor distinct provinces either.

The religious factor of this struggle between Protestant England and Catholic France in North America was of enormous importance to the destinies and fate of the native people and to the development of American democracy south of the Saint Lawrence. The simple fact is that the English colonies primarily intent on settlement, and generally espousing the idea of religious freedom and toleration, did not, even if they wished to and were in a position to do so, seriously attempt to convert the Iroquois, which helped preserve the continuation of their culture and government. In fact, at the time of the Albany Congress in 1754, the Indian commissioners themselves requested the Protestants send missionaries to Onondaga and to the Senecas to counter the influence of French priests.

It was in the interest of the English colonies however, to favor a sovereign Iroquois interest, because the Iroquois were doing their fighting, and the colonies were always on the defensive. On the other hand, the populous Hurons, who had aligned themselves with the French, were quickly succumbing to the effects of conversion, disease, brandy, and war which devastated them as a people and a culture, culminating in their final dispersal by the Iroquois in 1648 through 1649. Indeed, the Iroquois were as much motivated in their attacks on the Hurons to block the influence of the Jesuits as they were by the Beaver War.

The point, often overlooked in this struggle, is that the diffusion of ideas relating to native civil government was only possible south of the St. Lawrence, because only in the colonies during this 150 year period before the end of the French War in 1764 was there a model of native government left in existence to influence our own when necessity required it. Regrettably, the French effort to convert the Hurons sealed their doom, resulting in the French even denying themselves any opportunity to observe and be influenced by free government. This is why, when the revolution broke out, democracy occurred south of the river 200 years ago and not north of it until very recently when Canada officially adopted its own constitution. By contrast, the development of American democracy stemmed from the refugee status of entities independent of one another, even jealously observing one another where conflicting land interests were concerned.

We are neither Europeans nor Indian but something in between, Americans who owe our uniqueness and virtue and indeed, our conscience, to certain continental forebearers who, by necessity and example, largely shaped our character as a free people.

Iroquois vulnerability and suffering in the face of the French advance, however, made their insisting on some form of colonial union inevitable. Colonial union was as necessary for the Iroquois as for the colonies, given the condition and situation they both found themselves in. Their mutual survival was at stake in the face of increasing French pressure which is why Iroquois spokesmen repeatedly, since the 17th century, cited

their own historical example of confederation to the colonies, especially during the 1740s and 1750s, and why Cadwallader Colden, who wrote the first history of the Iroquois in English, recorded these Iroquois exhortations in his *History of the Five Nations*, illustrating the colonial view of the Iroquois importance to their interests.

Analyzing our common history, and viewing the disposition of the native people north and south of the St. Lawrence in that history, we now see why democracy occurred in the English colonies, for only here was there a continuing viable example of native government on which to base a federal structure of representative self-rule. It was the only mechanism and solution, by the way, given the growing strength of colonial assemblies during the French War, acceptable to all when the necessity for it became overwhelming. The model of confederation based on representative self-rule was always before us and so diffusion, during those critical years of continental struggle, was not only possible but necessary.

But what then happened that these great uncles, so to speak, who adopted us and who were our closest allies for 150 years, do not today share in a general recognition as having made the crucial contribution without which we might all be French today? The answer, I believe, is twofold. The first has to do with our Columbus legacy, and the second with the American Revolution. In the first instance, we can say that Columbus did not discover America, if we mean by that that this was an act of geographical discovery. Various Mediterranean peoples, including Phoenicians, Libyans, Egyptians and Romans, came long before Columbus. Then we must consider the Vikings and the Basques and Prince Henry Sinclair first Earl of Orkney who entered among the Micmacs of Nova Scotia in the 1390s. Only later came Columbus.

But if Columbus's was not an act of geographical discovery, what was it? It was an act of political discovery which marked the official beginnings of European real estate ventures. All the others who came before Columbus, as far as we know, came as entrepreneurs: miners and fishermen, refugees or outlaws from Denmark's island of exile, Iceland. Columbus is important to us because he officially marks the beginning of the age of possession, the beginning of official Euro-American history and the struggles among empires which followed on this continent. It is only natural then, that Euro-Americans, whether Spanish, English, French, or any other descent, following in the wake of the international land grabs which occurred, would trace our histories to legitimize our possession of the continent dating from Columbus. Wouldn't it be a contradiction in terms if we, in the writing of our national history, favored a people whom we had dispossessed? As ironic as this seems, it is, nonetheless, true. Yet for certain, governments are not lacrosse or canoes, for the issue of government raises the issue of sovereignty and sovereignty means real estate.

Secondly, the Iroquois League had the misfortune, during the Revolution, to find itself divided in a civil war as well as caught in a revolution among their English speaking allies, even when the principles – and this is a double irony – espoused and fought for by the Founding Fathers during that conflict bore the character of Iroquoia. As for the Iroquois themselves, they were divided, just as the Americans were divided in their conflict with the English. The results of the Revolution, the effects of Indian border warfare in that war, and increasing numbers of new immigrants spurred by the development of manifest destiny in the 19th century mind, further hardened feelings between the races. Again, after the Revolution, European conflict involving the new republic over territories beyond the Alleghenies and the Mississippi with England, and later Spain cast the native people in the role of obstacles and adversaries to a larger nation. We all know the sad history of that period.

There were people such as Helen Hunt Jackson, in her *Century of Dishonor*, who wrote of what was happening to the native people. But how could a young nation, yet an emerging juvenile in its lust to get to the sea and defend its desired borders against foreign efforts to take chunks of its perceived real estate, be ready to evaluate its infancy and its early, dependent relationship on its native adoptive guardians? It was not time then, nor ripe, to put the contribution of the Iroquois to our national destiny into the history books.

Now that our frontiers are in outer space, however, we might generally reflect with some maturity on the notion that our form of government is what makes us the children of the contact period. We are neither Europeans nor Indian but something in between, Americans who owe our uniqueness and virtue and indeed, our conscience, to certain continental forebearers who, by necessity and example, largely shaped our character as a free people. It is hoped, now that our period of familial estrangement seems to be ending, that we, as the early adopted offspring of this continent that we are, might recognize that our survival and growth only could have happened in those earlier, critical years because we were sheltered by a sovereign people. And as we reflect on yesteryear, on the eve of the birthday of our Constitution, we might also reflect today on where we continue to find that vitality so integral and central to the American character if not in our own constitution, in the Iroquois Law of the Great Peace, those kindred documents which define us as Americans.

Discovery of Morgan Papers Adds to the Evidence

Greg Schaaf

Dr. Greg Schaaf is the author of The Morgan Papers *(manuscript), a history of the early republic based on recently discovered historical documents.*

Greg Schaaf: "Morgan travelled from village to village appearing before the Grand Council, and he was impressed by the way the governments were conducted."

NEIQ Photo: Tim Johnson

Thank you very much for inviting me.

Eleven years ago, I was visiting a friend one day, and we were talking about the past and antiques and fine arts, and the telephone rang. It was an acquaintance named Susanna Morgan, whose late husband was the great-great-great-great-great-grandson of George Morgan, the first Indian agent for the Continental Congress. Nan, as we called her, mentioned to my friend that she had some old family papers, and wanted to find an historian to look into them.

A meeting was arranged at which time Nan showed me four letters written to George Morgan by George Washington, Thomas Jefferson, Benedict Arnold, and John Hancock. The document that captured my interest the most was the last, written in April of 1776. The letter directed Morgan to take a great peace belt with thirteen diamonds and 2500 wampum beads to the confederacy of the western Indian Nations, especially to the Haudenosaunee, the Six Nations, to inspire them with sentiments of justice and hospitality, and to begin the process of negotiating an agreement between those nations.

So I began my search for what happened on Morgan's journey when he traveled across the west to meet with the leaders of the western Indian nations. And I found finally at the Andrew Carnegie Library, part of George Morgan's private diary and letter book. Unfortunately, though, there was a gap for the period from 1776 on. So I kept culling through documents and reels and reels of microfilm, searching.

I found copies of old Indian treaties. I found documents relating to Benjamin Franklin and Patrick Henry. I found the documents which represent the origins of corporations in America, the original land companies which the Founding Fathers were up to their ears in, involving millions of acres of land and plans for the future of this land.

Every week I'd visit Nan and we'd have a cup of tea and I'd report on my discoveries about the significance of these papers.

Towards the end of one of our meetings, she casually said, "By the way, Gregory, I was up in the attic the other day cleaning some things out and I came across an old chest, and in that chest I found some documents." And she brought out a stack that she could barely lift. She's only 5 ft. tall and less that 100 lbs., and she lifted them with all her strength, laid them on my lap, and said, "Here, maybe these will help answer some of your questions."

Very carefully I untied the knot and unfolded it and began to turn

the yellowed pages. I found copies of old Indian treaties. I found documents relating to Benjamin Franklin and Patrick Henry. I found the documents which represent the origins of corporations in America, the original land companies which the Founding Fathers were up to their ears in, involving millions of acres of land and plans for the future of this land. Finally, down towards the bottom, I found the 73 missing pages of Morgan's private journal for the year 1776, which described what happened after John Hancock had given him instructions to establish the first Indian agency for the United States government, and to take this great Peace Belt.

On April 19, 1776, John Hancock and Congress appointed Morgan to be their Indian agent. They told him to provide a great Peace Belt, with 13 diamonds and 2500 wampum beads, to be delivered to the leaders of the western Indian nations.

On April 19, 1776, John Hancock and Congress appointed Morgan to be their Indian agent. They told him to provide a great Peace Belt, with 13 diamonds and 2500 wampum beads, to be delivered to the leaders of the western Indian nations. A duplicate belt was also delivered to the Lenni Lenape or Delaware Nation who are the grandfathers of the Algonquin family of nations.

At that time, the Iroquois and Algonquin peoples and the other Indian nations of this land truly held a balance of power within their hands. If they, at that crucial juncture when America was being born, had joined the British and attacked from the west as the British attacked from the east, the Revolution clearly could have been crushed. These United States of America might not have become as they are today.

I found in the documents that just before the Founding Fathers were about to make their Declaration of Independence, a delegation of the Haudenosaunee came before Congress. They came there to recognize the United States that was about to be born. They were also opening diplomatic relations between the revolutionary government and their own .

John Hancock and the members of the Congress were so impressed by the ideas of democracy as expressed by these chiefs that they addressed them as brothers, because the original relationship between the United States government and the Indian nations was a brother-to-brother relationship, a shoulder-to-shoulder relationship. John Hancock said to the Iroquois ambassadors, "We hope the friendship between us and you will be firm and continue as long as the sun shall shine and the waters run, that we and you may be as one people and have but one heart and be kind to one another like brethren..."

When George Morgan, being the Indian agent representing the United States, addressed the Indian nations, he said to them, "Brothers, we are not only inclined to do you justice in all things, but we wish to promote your happiness and to render you every service in our power if you tell us what you want. We therefore desire you to be wise and that your wise people will consider this matter well, for we wish to see you a happy people and to live with you in friendship forever. Speak your minds free when you come to the treaty that we may understand you..."

The Onondaga ambassadors gave to John Hancock an Indian name: they called him Karandawan which, roughly translated, means symbol for the American revolutionaries and became the tree of liberty.

"The Great Tree of Liberty." The Peacemaker inspired the warriors to bury their weapons under the Tree of Peace — perhaps the oldest historical evidence of an effort for disarmament in the history of the world — and this tree became a

Atop that tree is the eagle holding arrows in his talons. The Peacemaker said that each arrow represented a nation. One arrow alone might easily be broken but not so easily if they were bound together. That impressed the Founding Fathers and they took this symbol when they were designing the national emblem.

At the very first Indian-U.S. peace treaty in 1776, there were certain promises that were made to the Indian nations. Our governments promised theirs that we would always respect their land rights. We promised that we would respect their right to justice. We also promised that their young men would never have to fight in our wars unless they volunteered to do so.

These documents proved without a shadow of a doubt that the Haudenosaunee had made a tremendous effort to promote peace between the two sides in the American Revolution. That does not appear in our high school history books. In fact, when the British held a conference at Niagara, George Morgan had one of his spies infiltrate that conference, a spy who was so persuasive that he served as an interpreter between the British Colonel Butler and the Indian nations. At that conference, Butler warned the Haudenosaunee not to trust the Americans. "They plan to deceive you and take all of your lands from you." The Haudenosaunee said, "You say that our brothers who were born on this same continent as us, the Americans, that they plan to cheat us. That may be true, but we are strong enough to defend ourselves. You

have told us what a great power you are, that the British have the might and that the king is the father. If you are so strong and mighty, why do you need our help to get involved in this white man's quarrel? If they attack us, we know that they are jealous of our lands and plan to take larger strides, but we are strong enough to stand up against them in the meantime. But they have told us, through our younger brother George Morgan, to sit in peace and to stay out of this war, to think about our children and our grandchildren and our women, that our young men not be killed in this war because it might cause the tears to come down our cheeks."

And so, in 1776, the Haudenosaunee Grand Council called back in all of the warriors. They called them back in to stop their involvement in the war. However, at the same time, George Washington and three of his generals secretly came into Philadelphia at night to lobby Congress to change the policy from one of peace and neutrality to one which would allow him to actively recruit Indian people into the war.

George Morgan was a young man and very idealistic. He thought it was very exciting to be able to participate in the creation of a new nation. So he began visiting with his neighbor, in Philadelphia, the elder statesman Benjamin Franklin, who had created a club to talk about ideas. Franklin had compiled a remarkable record of the meetings that had taken place. And what I found is that there was a long heritage that the Founding Fathers were well aware of that had taken place throughout the colonial period. Morgan traveled from village to village appearing before the Grand Councils and he was particularly impressed by the way in which their governments were conducted.

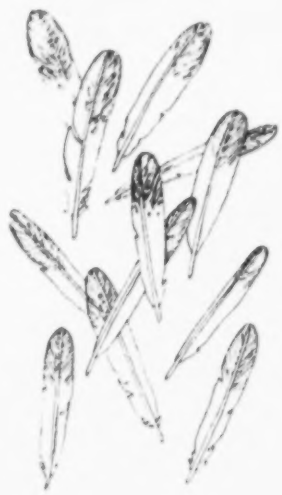
As I began searching the roots of these documents I had an opportunity about five years ago to speak before the United Nations and since the United Nations stood within the territory which was part Algonquin and part Iroquoian, I decided that I would seek the counsel and advice of the Grand Council of the Haudenosaunee. And so I traced the White Roots of Peace back to Onondaga and I presented them with a copy of these Morgan papers and we began to go through these documents. They told me, "This is what our grandparents and our great-grandparents always said, we just never could prove it. We knew that our ancestors had taken a very strong stand to promote peace and neutrality during the Revolution but we couldn't prove it."

Finally, down towaras the bottom, I found the 73 missing pages of Morgan's private journal for the year 1776, which described what happened after John Hancock had given him instructions to establish the first Indian agency for the United States government, and to take this great Peace Belt.

Imagine that you're back 200 years ago, and you really have a chance to create a nation, to form a nation. Where would you search for ideas? Well, it's true that they were looking at the classics, that they were looking at the French philosophers. Where did the French philosophers get their ideas? Many of them came from Jesuit relations documents. Where were they getting their ideas? They were talking to the Haudenosaunee.

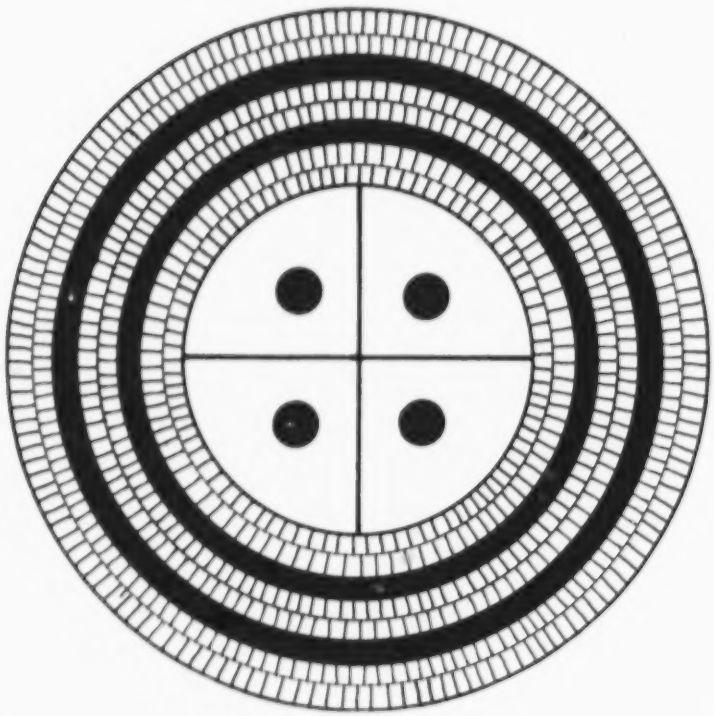
The comparison of the Constitution and the Great Law of Peace shows not only the similarities of the three part system of government but also the differences. The fundamental structure of the United States government — its system of checks and balances, the separation of powers — clearly was modeled on the Iroquois Grand Council. The differences also are interesting. The Founding Fathers, for instance, left out of the Constitution the rights of women. The Tadodaho has pointed out to me that within their system he is not a dictator; he can only serve the best interests of the people. It is the women who are the ones who are entrusted with the right to oversee. In addition, one of the qualifications of leadership within the Iroquois society is that, first and foremost, their leaders must be honest in all things.

The Haudenosaunee Grand Council is perhaps the oldest participatory democracy on earth. The principles of this council are still alive, they are still a dynamic document. Our rights as we, the people can be protected only as long as we, the people know what our rights are. In order to know what those rights are we must study the Constitution, search into the principles of the Great Law of Peace. Perhaps that vision of the great prophet who came upon this earth, as the elders say, a thousand years ago, a vision of a world without war, might one day come true. Thank you very much for inviting me.



Section III

Legal Scholars



The Historic Quality of the Nation-to-Nation Relationship

Arlinda Locklear

Arlinda Locklear, Esq., Lumbee, argued the Oneida Nation land claim before the U.S. Supreme Court.

I would like to comment this morning on the quality of the historic relationship that existed between the United States and Indian tribes, to give a sort of historic still life as to what the quality of that relationship at the time of the ratification of the Constitution.

At the time of first white contact on the North American continent, Indian tribes functioned, as a practical matter, as governments. Because of this reality, European governments dealt with Indian tribes as self-governing peoples.

From its formation, the United States adopted this same mode of dealing with Indian tribes, that is, as dealing with them as independent nations and sovereigns. Even before declaring their independence from Great Britain, the United States embarked on this political relationship with Indian tribes.

In July, 1775, the Continental Congress resolved that, "Securing and preserving the friendship of Indian nations is a subject of the utmost moment to these colonies, and it becomes us to be very active and vigilant in exerting every prudent means to strengthen these ties."

Consequently, the Continental Congress established three Indian departments, one in the northern, one in the middle, and one in the southern part of the United Colonies. Commissioners were appointed by the Congress for each of these departments. These commissioners were, in effect, ambas-

Arlinda Locklear: "The conduct of peace and war with Indian nations was the primary theme of the Federal-tribal relationship."

NEIQ Photo: Robert Stiles

sadors to the Indian nations located within their particular departments.

Throughout the Revolutionary War and early into the Constitutional period, these ambassadors had the primary responsibility of maintaining peace with Indian tribes and also addressing other issues. For instance, failing the maintenance of peace, they would address the conduct of war with Indian nations. The conduct of peace and war with Indian nations was the primary theme of the Federal-tribal relationship throughout the Articles of Confederation period and well into the early constitutional period of this country's history.

From 1775 on, the Continental Congress was engaged actively on almost a daily basis in the conduct of Indian affairs. The press of Indian business was such that the Continental Congress established a standing Indian committee in 1776. That committee directed the work of the Indian commissioners on all issues between the United States and Indian tribes and covered such things as trade, the integrity of territorial boundaries for those nations, crimes committed by citizens of one nation or the other in their territories, and also the issues of war and peace.

All of these matters are, of course, the usual business of nations and the fact that the federal government and the tribal governments dealt with each other on these issues shows that both understood the other as a nation and assumed that the nation to nation relationship would exist between the two.

Congress's mode of conducting business with Indian tribes also reflects their respect for Indian tribes as sovereigns. Congress received visiting tribal delegations as it did foreign ones. It defrayed the tribal delegations' expenses, bestowed gifts on tribal dignitaries, and exchanged previously approved diplomatic communications with tribes.

Congress used the language of international diplomacy in dealing with tribes. Tribal delegations were referred to in speeches and treaties as dignitaries and as deputies. Tribes were also called nations in the third person and as brothers when addressed directly, both of which denote equality between the two parties in the relationship.

And the administration of Indian affairs itself was handled directly by Congress, much as Congress handled the administration of foreign affairs. Even the Executive Department, after the ratification of the Constitution, handled Indian affairs at the cabinet level up until 1824, directly through the Secretary of War rather than through an intervening bureaucracy.

Congress used the language of international diplomacy in dealing with tribes. Tribal delegations were referred to in speeches and treaties as dignitaries and as deputies.

Perhaps the strongest evidence of the character of the relationship between the United States and Indian tribes is the fact that these relations were conducted through treaties. Of course, the very fact that treaties were signed indicates a nation-to-nation relationship.

Chief Justice Marshall observed, "The Constitution, by declaring treaties already made as well as those to be made, to be the supreme law of the land, has adopted and sanctioned the previous treaties with the Indian nations and, consequently, admits their mark among those powers who are capable of making treaties."

The words "treaty" and "nation" are words of our own language, selected in our diplomatic and legislative proceedings by ourselves, having a definite and well understood meaning. We have applied them to Indians as we have applied them to other nations on the earth. They are applied to all in the same sense.

The terms of the Indian treaties also reflect the parity of the relationship between the United States and Indian tribes. The first Indian treaty concluded by the Continental Congress, that with the Delaware, Lenni-Lenape, concluded on September 17, 1778, provided for an alliance between the contracting parties. It provided for the punishment of each other's citizens for crimes committed within their territories. It provided for trade, and it provided also that the Delaware Nation might confederate with other Indian nations "to form a state whereof the Delaware Nation shall be the head and have a representation in Congress."

Other treaties also included mutual assistance pacts, provided for the exchange of prisoners, contained reciprocal assurances of territorial integrity, and provided for the extradition of fugitives from justice. These provisions are, of course, typical of international treaties.

Finally, the Continental Congress's mode of conducting business with Indian tribes shows that the Continental Congress recognized the tribes' free will and where it impacted directly on the tribes or tribal members, Congress's Federal Indian policy always assumed or required the consent of the Indian tribe involved. For example, in early 1776, Congress authorized the use of Indians as soldiers in the American army only, "where the tribes to which they belong shall, in council held in the customary manner, consent thereto."

Later that same year, Congress determined that disputes arising between whites and Indians should be adjusted by arbitrators appointed one each by the Indian tribe and the State involved by the consent of the Indian tribe.

Again, in 1777, Congress resolved that the State of Pennsylvania must either remove its citizens who had settled illegally on tribal land or pay the particular tribe involved for its land at the option of the tribe involved.

It is important to remember that Congress did not choose this respectful approach in its dealings with Indian tribes out of some beneficial attitude or beneficence on its part. Rather, it did so as a matter of practical and historic necessity.

As history shows, that relationship was a bilateral one between equals.

We must remember that at the time, that is, immediately before and for some considerable period of time following the ratification of the United States Constitution, Indian tribes were significant players on the international scene. In the northern part of the Indian depart-ment, Iroquois and other tribes had practically engaged during the Revolutionary War in hostilities with the United States and had signed peace treaties with the United States to end those hostilities.

Many of the Iroquois tribes were not happy with the terms of those peace treaties and refused to accept new boundaries that the United States would impose. Hostilities continued as a result. When frontiersmen flooded onto Iroquois territory for settlement purposes, hostilities increased.

Great Britain encouraged these tribal resentments and because Great Britain, after the Treaty of Paris, retained significant forts themselves located within American territory, those forts and the practical possibility of a definite alliance between the Iroquois and Great Britain greatly concerned the United States. The United States feared, in fact, that had an alliance been formed between those two parties, it would threaten the actual existence of the United States itself.

Similar problems existed in the south. The Creek Nation had, in 1784, signed a treaty of alliance with the nation of Spain which provided for mutual assistance in the event of any invasion by an outside force. Frontiersmen, as had happened in the north, also invaded southern Creek territory. Hostilities ensued, actually supported by the States of North Carolina and Georgia. As did Great Britain in the north, Spain in the South supported the tribes in their efforts to resist these intrusions into their territory. There was in fact and in reality an alliance, as a result of the treaty of 1784, between Spain and the Creek Nation.

The United States, fearful of a three-way alliance between northern tribes and Great Britain on the one hand, the Creek Nation and Spain on the other hand, and the Indian nations among themselves in the west, actually feared for its continued existence immediately before and immediately following the ratification of the United States Constitution.

There were Indian leaders who sought to capitalize on the possibilities of these alliances. The Mohawk Indian leader in the north, Joseph Brant, visited Great Britain on at least two occasions and came very close to actually forming the alliance that the United States feared at the time could threaten their existence.

These incipient and actual alliances continued before the adoption of the Constitution and for some years after. So, the practical necessity of avoiding war which threatened their very existence, colored the United States' perception of and relationship with Indian tribes.

By virtue of this necessity, then, the United States dealt with tribes as equals, as parties capable of and very nearly accomplishing a complete war against the United States that would threaten their existence.

These were the circumstances and the experience of the delegates who attended the Constitutional Convention in 1787. Approximately three-quarters of the delegates in attendance at that convention had, in fact, served as members of the Continental Congress and, therefore, had participated in the formulation of Indian policy.

Some of the most significant contributors to the formulation of the Constitution had, in fact, been directly involved. James Madison and Thomas Jefferson had, as members of Congress, played major roles in drafting the Indian clause in the Articles of Confederation. James Wilson and Charles Pinckney, who played a direct and significant role in drafting the Indian commerce clause of the United States Constitution, had served as members of the Continental Congress of the standing Indian committee.

As a consequence, all of these members formulated their perception of the continuation of the relationship between the United States and the Indian tribes based on that experience and the practical necessities of the times. These experiences and practical necessities demonstrated that the Constitution and the Indian Commerce clause confirm a true nation-to-nation relationship between Indian tribes and the United States.

As history shows, that relationship was a bilateral one between equals. The participants respected each other's territory, the civil authority over their own citizens, and each other's free will. Neither side presumed to dictate terms of the relationship to the other.

That is the quality of the nation-to-nation relationship that existed at the time of the adoption of the United States Constitution, and that is the quality of the relationship that the Founding Fathers of the Constitution assumed would continue.

A Clear Signal from Congress is Needed on Indian Rights

Vine Deloria, Jr.

Vine Deloria, Jr., Lakota, is a noted author and attorney. He is a professor of law at the University of New Mexico, Albuquerque.

Quite often, the Congress and political theorists describe the United States as a system of checks and balances where the three branches of government work together and place limitations on each other. The problem that American Indians have is that checks and balances really don't work in the context of Indian tribes.

American history shows that the three branches defer to each other, the ultimate deference being then to the Congress. The Congress, at least in the last 100 years, in my opinion, has transferred a good deal of its legislative authority to the Federal bureaucracy by attaching to legislation, in most instances, the authority to promulgate rules and regulations to carry out the effect of the statute. The net result is that there are no protections for Indian people, their rights, or their property. The bureaucracy then, in effect, makes up the rules under which Indians live. The courts pick up on bureaucratic practices and turn around and say that long established administrative practices establish the intent of Congress.

As a result, the protections granted all other Americans under the Constitution never come into play with Indian people, and we have seen our status go from dependent domestic nations to virtually helpless wards of the government where, in some instances, it takes the signatures of up to 20 bureaucrats to use a piece of Indian land.

Vine Deloria, Jr.: "The protections granted other Americans under the Constitution never come into play with Indian people."

NEIQ Photo: Robert Stiles

Now, the Arizona Republic has recently come out with a series of articles on the Bureau of Indian Affairs and the Federal Administration. In my youth, we used to call the Bureau a hotbed of inertia, but I think now you could call it a crime in progress.

My concern is that we can do all the investigations and newspaper reports that we want, but there have to be certain fundamental structural changes involved in the definition of the Indian-Federal relationship, one of which is clear definition of the status of Indian tribes. If the United States is a government of consent, then I think we must look at American history at what point Indians consented to have relations with the United States and to place themselves under Federal protection.

This can only be found in a voluntary sense in the Indian treaties, and those treaties were supposed to be the supreme law of the land. That is in the Constitution in Article I. However, we have seen the treaties since 1870 be consistently overruled by subsequent Congressional statute.

Now, when I speak of courts deferring to Congress or the executive deferring to Congress, the most frequent situation we have is where Congress passes a statute not believing that it is in conflict with an Indian right or property, and a subsequent controversy arises, and Indians go to court. The court defers to Congress in the sense of recognizing the plenary power of Congress over Indians, and the court then creates a fictional scenario in which they create a fictional intent of Congress.

If Congress chooses to maintain that it has a plenary power over Indians, then we think the plenary power should be used in a positive manner and the federal agencies dealing with American Indians should be held to account

The best example is the debate on Federal water rights in the 1950s where it was clear that Indian property would not come under the McCarran Amendment, but subsequent litigation interpreted the McCarran Amendment to apply to Indian rights because they had an aspect of Federal protection to them, and we are included in the bundle of federal rights.

In *Lone Wolf versus Hitchcock* and a number of other classic Indian cases, we have instances in which the Supreme Court of the United States simply creates legal doctrines that give Congress overwhelming power over Indian tribes and, in effect, overrule treaties, although it is never clear in the actual statute in question that Congress ever intended to overrule any Indian treaties.

I would suggest the best parallel of the relationship of tribes to the United States is the Tenth Amendment, and that is the United States Government is a government of delegated powers, delegated by the people, delegated by the States to the Federal Government. All powers not delegated to the Federal Government are reserved to the States or the people respectively.

The Indian treaties under the Winters Doctrine are a delegation of certain rights and properties to the United States with a withholding of similar rights and properties to the Indian tribes. That doctrine, in a Northwest fishing rights case, says anything not delegated to the United States must be reserved to the tribes and the people of the tribes.

So, there is a definite legal status to being a dependent domestic nation, but unless we have a clear statement by Congress of what this relationship is, we will continue to be forced into expensive litigation in which the federal courts have an absolutely free hand to announce doctrines with the intent of reconciling a longstanding treaty right with a congressional statute, the history of the congressional statute being that there was no effort by Congress to discuss Indian rights prior to its passage. What ends up happening is the court then creates a fictional intent of Congress.

Additionally, we have other doctrines or interpretation that are used in the Federal court when interpreting general legislation that I think are extremely detrimental to Indian tribes. We need clarification of those.

The logic in a lot of interpretation is: if Congress intended to include the Indians in this legislation, it would have specifically said so. The reverse of that coin is if Congress had intended to exclude Indians, it would have specifically said so.

Now, all of us in this room can see the arbitrary nature of law when a judge has the option to say you are either inside or outside the confines of the law, depending on whether I choose to create the fiction that if Congress had wanted to include you, if they wanted to exclude you they would have mentioned you.

As long as legal doctrines like that are used freely in the courts of the United States, there will be no end to litigation. There will be no solution to Indian problems. With the Federal bureaucracy vested with almost unlimited powers, Indian tribes at this point have to have some vested rights under the Constitution.

The only way we can vest those rights is a series of clear congressional directives. These directives would be to the government as a whole. They would have to be recognized in the Federal courts as doctrines of interpretation which express the intent of Congress, doctrines which must be followed in hearing and resolving Indian litigation. These would be doctrines that would hopefully be followed by subsequent administrations and executive officers.

I would suggest the most needed doctrine at the present time is a clear statement that unless Congress specifically examines Indian treaty rights or outstanding statutory rights and specifically includes Indians in legislation, national legislation does not apply to Indian tribes. If we had that directive, we could eliminate a good deal of the litigation that is going on today.

But we have to have a clear statement so that, one, we minimize litigation, and, two, when we go to court, we have an even chance of getting a resolution of the problem.

One of the big problems additionally that we face is that the original treaty relationship was a relationship of consent. Following the session of treaty making in 1871, the right of Indian consent was gradually whittled down by bureaucratic inroads.

In recent times, particularly beginning with the 1934 Indian Reorganization Act, the idea that Indians should be consulted before legislation or programs for them were put forth became very popular, and this was very popular in the 1960s when the poverty wars were going on and people were saying that you should consult the poor before you proceed.

The current state of Indian affairs shows consultation is a myth. When you go into the bureaucracy, consultation merely means that you try to talk the Indians into what you want to do. Following that meeting, you proceed to do what you want to do anyway.

Now, what we need is a federal statute saying that there must be Indian consent before any program of the Federal Government can be operated on a reservation or operated in a manner that would affect Indian rights, and we need the right to say no to federal statutes insofar as they are effective on the reservation, that is to say, the IRA is interpreted as saying that the word of the Secretary of the Interior is the dominant word on the reservation, and the Secretary of the Interior must approve all tribal resolutions passed.

What we need is a statute saying that if a tribal council votes no, then the decision of the Secretary of the Interior is not the law of the land, but the decision of the tribal council is.

This will prove controversial in a number of cases, but unless we have some checks and balances ourselves against Federal bureaucracy, there is no way that anything is going to change out on those reservations. The bureaucrats simply make up the rules as they go along.

I could cite chapter and verse for the rest of the year on conflicting interpretations of federal law given at different area offices at different times with regard to the same thing.

The final item that must be considered is that the question of the honor of the United States and its relationship to the Indians has to be raised in a Congressional context. The treaties are more than a legal document. They are a pledge of the integrity of one people to another.

We have seen the integrity of the United States badly eroded on the justification that there were certain expediencies to be done. The frontier has been settled for quite a while, and we are now approaching the 500th anniversary of the landing of Columbus. So, 500 years of contact with Western European civilization is enough. We need some protections so that we can continue our own existence.

The bureaucracy then, in effect, makes up the rules under which Indians live. The courts pick up on bureaucratic practices and turn around and say that long established administrative practices establish the intent of Congress.

Finally, the thing that we need most desperately from the Senate Indian Committee is an increasing awareness in the Congress that they must follow up on oversight hearings on everything the federal bureaucracy does. Let me cite you two examples of what I consider almost criminal congressional negligence.

The Indian Claims Commission Act was passed in 1946. It was intended to be a commission, and the premises of that were that within five years, in open and informal hearings, the commission could look at the Indian claims and reach some just settlement. Section 13, I believe it was, gave that commission investigatory powers, and the commission was supposed to look at all the claims in an informal layman's equitable eye and determine the validity and scope of those claims.

The Claims Commission, within five years of its founding, was turned into another federal court with all the federal court procedures. The investigative division or function of the commission was simply truncated. It got so bad that Commissioner John Vance in the late 1970s published an article saying that what we are doing is ridiculous, that we are supposed to be a commission fairly hearing these claims and we have turned into a federal court in which lawyers dominate and Indians are not allowed to basically have their say.

It is no secret to any of us that there are a lot of mad Indians out in the United States, my own Lakota tribe, the Shoshones, and others who feel they have been unjustly handled by the Indian Claims Commission. If you look at the response of Congress after it authorized the Indian Claims Commission, not once did it go back and call those commissioners to account for turning it into a court instead of a commission. The several hearings that were held renewing the Claims Commission simply concentrated on what additional procedures you need in order to resolve these claims.

As a result, claims turned into simply money judgements against the United States. The right to religion, the right to culture, the right to self-government never came up in the Claims Commission. A lot of tribes did not want to say the United States had taken their land; they wanted assurances from the United States that they could practice their religion freely and that they would not have their children subject to compulsory school attendance hundreds of miles from their home. They wanted a great many other cultural things, and that is what they thought a settlement with the United States would be, that you would finally settle accounts and live together as the Two Row wampum belt shows.

Now, at any time between 1944 and the present time, Congress

could have held oversight hearings, called those bureaucrats to account, and turned that situation around so that we would not have the volatility out in Indian country that we have today.

The second example is the recent passage of the American Indian Religious Freedom Act. This resolution is as innocuous as can be. Representative Morris Udall got on the floor of the House of Representatives and he said this is just an expression of federal intent; it is not going to affect any laws. Nevertheless, the resolution directed federal agencies to go into consultation with Indians before they proceeded with their programs in any instance where it would conflict with Indian religion or practice of traditional things.

The attacks on traditional religion since the passage of that resolution are absolutely astounding. There has been more litigation on Indian religious questions since Congress attempted to clarify that than there were before. The courts, with no direction from the Congress, have now evolved a doctrine that an Indian religious practice must be the central core of the religion in order to be protected. A good many Indian religious practices are now described as merely cultural artifacts and not religious practices at all.

Consequently, in the last 10 years, we have come under a more severe oppression of religious freedom than we did before Congress passed the American Indian religious freedom resolution. So, my request in the hearing is for you to take to your colleagues in Congress the demand that national honor be demonstrated, and part of this national honor would be a clarification of the Federal laws and the interpretation of Federal laws that are applied to American Indians.

The second thing would be severe oversight hearings on federal agencies dealing with American Indians. It is quite an embarrassment to me and to other people in this room and, I am sure, to you, Senator, to realize at this stage of American life there is virtually no accountability in the federal government, particularly in the executive branch and specifically with relation to us in the Department of the Interior and the Bureau of Indian Affairs.

If Congress chooses to maintain that it has a plenary power over Indians, then we think the plenary power should be used in a positive manner and the federal agencies dealing with American Indians should be held to account and held to the highest standard of behavior and that the whole Federal Government should recognize the status of dependent domestic nations has quite a bit of substantial content, content found in the Constitution and in American history.

In the next couple of years, if we could have hearings on the substantive legal issues and then get some clarification, in statutes defining what Indian rights are, that would give us the necessary leverage and the standing to do better in defending our own rights. In that spirit, I hope this resolution simply marks the beginning of what could be a new and very aggressive defense of American Indians' rights and their communities. Thank you very much.

"Five Arrows of Unity"—The Peacemaker

Indian Rights Deserve International Protections

Robert T. Coulter

Robert T. Coulter, Esquire, Pottawatomi, is Executive Director of the Indian Law Resource Center, Washington, D.C. and attorney of record for the Haudenosaunee Grand Council.

Robert Coulter: "International law was the law that governed the relationship between Indian nations and the U.S. government."

NEIQ Photo: Ray Cook

I'm extremely glad to be here, glad to see so many people at such an overwhelmingly successful conference. It seems so often that we work in the dark, by ourselves, and yet we are so many, I see, and that's very encouraging.

The subject that I want to deal with is the Constitution and the question of the protection of fundamental rights. The Haudenosaunee, the Six Nations, have played an important role, not only in the process of constitution building but also in the matter of protecting and finding means to protect fundamental rights in other ways, outside of constitutions.

What is a constitution? Well, among other things it is a document or a law, a fundamental law that defines or ought to define the relationship between a government and the governed. As you know, it is a document or a law that actually establishes and constitutes that government. Any constitution is a document or a law which defines the powers that a government has in relation to all others, including its own citizens and outsiders. This is important because when we define and limit the powers of a government, what we are doing is protecting rights.

Constitutions are other things, too. The Constitution defines and describes how the government works and defines and describes the governmental forms and institutions of a government, the congress, council, courts, clans, or what have you. But I'm not interested in those things for purposes of what I am saying now. What I'm interested in is the role of a constitution in limiting the powers of a government, defining those powers and, by so doing, defining and protecting fundamental rights of people,

Under the Doctrine of Discovery, only one European nation was to have relations with any particular Indian nation. Because of this doctrine, which was only something agreed to by the European powers, Indian nations tended to be cut out, that is removed from the forum of world affairs.

communities and groups.

You see, the restriction of a governmental power is just another way of describing a right. We talk about the right of due process, let's say. Actually, the Constitution says that the Federal Government cannot take property without due process of law. So, you see, it's simply a restriction on the power of the Federal Government. It says the Federal Government cannot take property unless they do it in a certain way, namely, with due pro-cess of law. And so, citizens enjoy the right not to have their property taken unless it's done with due process of law.

The Supreme Court of the United States, to this day, says that the United States Government is free to take away Indian land, to confiscate it, extinguish aboriginal Indian title without due process of law, without any compensation and without any regard whatever for the Fifth Amendment.

Some of the other important rights that constitutions protect, although you won't find some of these written in the United States Constitution, are the right of self-determination — that is the right to govern your own affairs through your own government and according to your own wishes — the right to be free from discrimination on the basis of race or sex or some other improper ground, the right to exist, things like this. These are the kinds of fundamental rights that most constitutions, in one way or another, protect by putting restrictions on the government.

The United States Constitution, as you have heard already, drew many democratic principles from Indian law and Indian governmental practice and also drew some of its governmental form from Indian governments and governmental practices. In addition to that, it's important that constitutions – and this too is derived from Indian practice – protect rights by limiting governmental power. Chiefs in the Iroquois Confederacy are very limited in their powers; there is no omnipotent person in Indian government, generally speaking, at least not with the Haudenosaunee.

But Indian nations, Indian tribes, were not thought to be people taking part in the actual constituting of the United States government. In general, Indian individuals were non-citizens. And certainly, Indian nations and tribes, that is Indian governments were not actually direct legal participants in the process of creating the United States government, creating the Constitution. There is, as a result, no formal legal place in the Constitution for Indian nations and tribes.

You see, states and state governments are part of the constitutional framework of government; their relationships among themselves and their relationship to the Federal Government are stated and defined and regulated by the United States Constitution. But that's not true in regard to Indian nations, Indian governments and Indian communities because they weren't part of the constitutional process in the formal legal sense. They were outside the Constitution; they were not thought to be part of the people that the United States government would govern.

Indian nations, Indian tribes, Indian communities in general, were treated just as any other foreign nation was treated. Indian nations made treaties with the United States; relations between the United States government and the Indian governments were foreign relations. In fact, in the American State Papers, the early documents of the United States Government, most of the material on relations between the United States and Indian nations are found in the foreign relations volumes. International law was the law that governed the relationship between Indian nations and the United States Government, not so much the Constitution.

The Constitution says very little about Indian nations. There is the Commerce Clause that says that Congress will have the power to regulate commerce with Indian nations, but that's only a restriction on Congress's power. It just says Congress will have that power, not the states. It doesn't say anything about what the actual relationship between an Indian government and the Federal Government will be. That was the province of international law, the law that governs the conduct of nations, the law that governs the relationships between nation states. That was the law that governed the relations between Indian nations and the United States. The trouble was that under the Doctrine of Discovery, only one European nation was to have relations with any particular Indian nation. Because of this doctrine, which was only something agreed to by the European powers, Indian nations tended to be cut out, that is removed from the forum of world affairs.

At first, Indian nations had relations with many European governments. The Haudenosaunee had relations with the Dutch, French, British and so on; others had relations with Spain, and so it went. But when the Doctrine of Discovery came more fully into play, any particular Indian nation found itself dealing with only one European nation. All the others were bound under the Doctrine of Discovery to stay away. As a result, Indian nations were gradually excluded from the world community of nations and after 50 years or so under the United States Constitution, the United States government began to deal with Indian

nations as if they were simply subject to the domestic jurisdiction of the United States, as if they were simply part of the governed population and not someone outside the government.

Keep in mind that it took some 50 years or more for the United States government to come to that position. It was a long time coming, and in fact, in many ways we could make an argument that even to this day the process has not been entirely completed. To this day it's not quite clear that Indian nations are entirely subject to the domestic jurisdiction of the United States Congress and United States Government. By the 1840s and 1850s, in painting a picture with broad brush strokes, it's fair to say that international law was no longer being generally applied to govern the relations between Indians and the United States government. Yet nothing had been done to change the Constitution, so Indian nations were no more a part of the United States governmental and legal system than they ever had been, and we found then that there was, in fact, a kind of absence of law. The Constitution didn't apply; there was no federal law that actually defined the relations between the United States government and Indian nations. Now international law seemingly no longer applied, or at least it wasn't being applied very much in practice, and so there was, for all practical purposes, no law at all. As a result, the United States government dealt with Indian nations and Indian tribes and communities as if there were no law and as if Indian nations had no rights because, in fact, there was no law. For the most part there still is no law that protects the fundamental rights and interests of Indian nations, tribes, and communities.

It is astonishing to lawyers, especially, and astonishing to anybody, to learn that for the most part, the Bill of Rights and the United States Constitution hasn't been applied to Indian nations and tribes. The Supreme Court of the United States, to this day, says that the United States Government is free to take away Indian land, to confiscate it, extinguish aboriginal Indian title without due process of law, without any compensation and without any regard whatever for the Fifth Amendment to the Constitution. Now, that's obviously very bad law, but it's still what the Supreme Court says.

I still don't see that it's proper for a government built on concepts of fairness, concepts of limited government, to find itself in a position of acting as a tyrant in its relations with the original inhabitants and governments of the continent.

The Fifth Amendment, which protects the property rights of every corporation, every church, every individual, even protects the property rights of people who are in the United States contrary to law, doesn't apply to property of Indian nations that are held by aboriginal right. Some Indian property is protected by the Fifth Amendment but most of it is not.

Another example: the Supreme Court says that the United States government and Congress has plenary power to do whatever it wants in regard to Indian affairs. It can pass laws with essentially no limit whatsoever so long as it's dealing with Indian people, Indian tribes, their affairs, their property. Congress can pass a law putting an Indian nation out of existence, can pass a law putting an Indian government out of existence even though the tribe or nation remains, and they've done it! In those cases, the courts have never said that the Constitution puts any serious limits on the power of the Federal Government when it's passing laws dealing with Indian nations.

Another particularly important example is the problem of the violation and abrogation of Indian treaties. Under the U.S. Constitution it's absolutely proper and legal for the United States to abrogate, that is do away with, a treaty made with an Indian nation. There is not one thing that an Indian nation can do about that in the laws of the United States or in the United States courts, because the Supremacy Clause in the Constitution puts acts of Congress on the same level as a treaty. If Congress approves a treaty today and promises one thing, Congress is perfectly free to pass a law tomorrow taking it away. And that is 100 percent legal; not a thing can be done about it with one minor exception: if they do later take away land that's been guaranteed by a treaty, they at least have to pay for it. They can still do it, mind you, and they don't have to do it according to due process of law and they don't have to do it for a "public purpose." They don't have to follow any of the legal requirements that they would have to follow if they were dealing with non-Indians, but they would have to at least pay compensation. Anyway that's an exception. For the most part, the United States government is free to make a treaty, make promises, receive the benefit of the bargain from the Indians, and then take it all away the next day by simply passing a contrary law.

I think it's a fair summary to say that the Constitution of the United States has worked very badly as a law and as a document or as an institution to protect the fundamental rights of Indian nations, tribes and communities for the reasons that I have mentioned. It really wasn't intended, frankly, to protect the rights of Indian nations but that doesn't mean that it shouldn't. I still don't see that it's

proper for a government built on concepts of fairness, concepts of limited government, to find itself in a position of acting as a tyrant in its relations with the original inhabitants and governments of the continent.

I should also add, to give you some perspective, that every other government in the Americas is almost exactly the same way. We find these same legal problems in essentially every country in the Americas, whether it's Canada or Argentina, or Nicaragua, or name one, they are all the same. There are minor variations, but the basic problem is the same: the fundamental rights of Indian nations and governments are not really protected and defined by the constitutions created and put in place by the non-Indians or the non-natives. It shouldn't be any surprise that that's true. Most people, including non-Indians, think it's pretty darn un-American that the United States government would treat anybody that way. But it's true and it's the law now, so Indian people, Indian leaders and Indian governments have, for a long time, tried to find other ways of protecting their fundamental rights to exist, to self-determination and to be free from arbitrary government by someone else.

What the Haudenosaunee, as well as other native, traditional governments, have been done for a long time is to try to find a way that international law can once again be applied to the relations between Indian governments and the United States, and other governments. A major movement began in the early and mid-1970s to bring the situation of Indian nations to international attention and to ask that the human rights of Indian nations be recognized and respected.

The chiefs and other leaders of the Haudenosaunee were among the most important leaders in this movement in the early and mid 70s, a movement which is still going on. Of course the Six Nations' leaders were old hands at this by the mid-70s. In fact, Six Nations' leaders and other Indian nations had, for a long time, made efforts to bring their situation to the attention of the outside world.

A major movement began in the early and mid-1970s to bring the situation of Indian nations to international attention and to ask that the human rights of Indian nations be recognized and respected.

There was a Cayuga chief, Deskaheh, who traveled to the League of Nations in Geneva, Switzerland. The League of Nations, as I'm sure you know, was the predecessor to the United Nations. He wasn't allowed to speak to the League of Nations but in Geneva, to this day, they remember the Cayuga chief who traveled there and who spoke outside the League so eloquently on behalf of Indian rights.

What we have seen in this latest movement that's more than ten years old now, is an effort to get the community of nations around the world to recognize that Indian people (as well as other people around the world that are in the same situation as Indians) have, or ought to have, basic rights which are recognized and protected by law, rights that cannot be taken away, invaded or crushed by governments like the United States or Cuba or Brazil or Chile.

That process has become significant. It is now, in fact, the most important, largest and most active human rights effort that the United Nations has ever been involved in. In 1982, at the urging of Indian people, including Haudenosaunee leaders, the U.N. created a working group on indigenous populations. The working group was given the job of gathering information and hearing reports about the violation of rights of Indian nations and other indigenous peoples. Secondly, they were given the task of defining what these fundamental rights are that should be protected against the actions of recognized nations such as the United States or Brazil. The working group, as I said, has become so successful and has attracted so much interest that it now is forced to meet in the largest meeting room that the United Nations has in Geneva, Switzerland, where their human rights work is carried on. Hundreds of people attend the annual meeting and it has become the most successful and most fast moving human rights working group the U.N. has ever had.

What are we doing at the working group? We are trying to draft and get adopted a declaration of principles on the rights of indigenous peoples, a declaration that will say what these rights are. Most people agree that whatever the rights of Indian nations, those rights are not well understood right now and the existing international law and the existing declarations on human rights don't quite cover them. Somehow the need to protect Indian land rights and the land rights of other indigenous peoples isn't very well protected under existing human rights law. The right of Indian nations to govern themselves is not well protected or defined by any existing law. And so, the working group, which is U.N. human rights experts, is in the process of drafting a declaration of principles about these things. This declaration of principles will, we hope, be adopted first by the working group and then by the Subcommission on the Protection of Minorities and Elimination of Discrimination. That's probably the most important human rights body in the United Nations system. Then, above that, is the U.N. Human Rights Commission and, above that,

the Economic and Social Council and then the General Assembly.

We think that there will be a declaration of principles on the rights of indigenous peoples adopted within the next five to ten years. This might seem slow, but it has been 200 years since the Constitution. After the adoption of a declaration of principles, the next job will be the development of a binding convention, or it would actually be a treaty on the rights of indigenous peoples, Indian nations. This would be much more significant because it would be a treaty obligation that other nations of the world would, we hope, sign and bind themselves to. We would hope that it would contain provisions that would make it contrary to international law to take Indian land. It would make it contrary to this treaty or contrary to international law to terminate Indian nations or Indian governments or to interfere in their affairs and so on.

The things that we cannot control now through the United States courts—because the Constitution doesn't protect these fundamental rights of Indian nations — we hope can be protected in some way through the adoption of an international convention on the rights of indigenous peoples which would have legally binding force. If the United States signed it, it could be enforced in the United States courts. The United States has a very poor record of signing international human rights conventions, so I am not holding my breath waiting for the United States to sign such a thing.

I should also say that the process of trying to define and protect the rights of Indian nations is also going on in the Organization of American States, the regional, international body in the Americas. That organization has a commission on humans rights, the Inter-American Commission on Human Rights, which is also looking at the question of the rights of Indian nations in, particularly, Indian nations in Brazil and Nicaragua, and they are undertaking a broader look as well and that is an important process too.

The work that Haudenosaunee leaders and others do going around the world speaking to private groups, having meetings with governments and with other organizations in other countries, all of this international work tends to move in the same direction: that is, toward encouraging the world, including the United States Government to give serious recognition to, and respect to, basic rights of Indian people, particularly Indian nations and tribes.

We think that there will be a declaration of principles on the rights of indigenous peoples adopted within the next five to ten years.

This process, both formally in the U.N. and in the O.A.S., and informally, have a significant and actual impact on the interpretation and application of our United States Constitution. I think, for example, that we are just about to have a change in our law in the United States on this question of the power of the United States to take Indian land without due process of law and compensation. It's still the law, technically speaking, as far as the Supreme Court is concerned, but the very idea that any nation of the world could or would do such a thing – take the property of a people without due process and compensation – is so contrary to every notion of human rights as we understand it in international law or in common sense, that I think we are starting to see a change in the United States. We are seeing a change in the way Congress behaves, a change in the way that lawyers and judges behave, so that the result of this human rights work at the international level will be to change this legal doctrine in the United States so that it will no longer be legal under the United States Constitution to take Indian property without due process of law. The international human rights work that the Iroquois and other Indian leaders have been involved in is having, and will continue to have, an increasingly pronounced effect on the way the U.S. Constitution is interpreted and applied in the areas of the relations between Indians and the United States Government.

It might seem ironic that people who enjoy few rights under the Constitution would be the ones to help bring about these basic changes, but in the context of this conference it's not ironic at all. In fact, it's just what we might expect because many of the roots of the United States Constitution are found in Indian practice and Indian thinking and Indian law. It's rather to be expected, then, that the necessary changes and the profound improvements in United States law would also come from the leadership and work of Indian leaders. Thank you very much.

Section IV

Roots of the Women's Line

Mother of Nations - The Peace Queen

A Neglected Tradition

Ganondagan, just outside of Victor, New York, was formally dedicated as a New York State Historical Site last summer. The people who worked to have the site established came from two cultural backgrounds, but the main board of directors were citizens and scholars of the Haudenosaunee. They chose to remember the site as a place of peace, a place that was once inhabited by a woman whose role, according to the oral tradition, was central in the formation of the League of the Haudenosaunee. She was Jikonsaseh, the Mother of Nations-the Peace Queen.

Jikonsaseh has been all but overlooked by a plethora of scholars who have investigated the Iroquois. The Haudenosaunee, however, chose to honor her at the site. Area historians remember Ganondagan as a place of war and bloodshed, wrought by the Frenchman Denonville upon the Seneca nation in the summer of 1687. The Seneca remember the invasion, yet the site is revered as a place of peace. This is consistent with the Iroquois and their tradition, that the places they choose to commemorate are not battlegrounds. They remember places of peace, such as the shores of Onondaga Lake near Syracuse, where the League of the Haudenosaunee was formed.

Pete Jemison, a Seneca, was chosen to be site director of Ganondagan. He carries a respect for the perspective of his elders, that Ganondagan is sacred as a place of purity and peace. Jemison talked about what he has been told by the elders and about the information he has yet to gain about the tradition of the Peace Queen.

P.J.: It has been my quest to identify everything anyone knows about Jikonsaseh, the Mother of Nations. I want to know everything people think about the tradition about her, what they believe in the oral tradition, to come to an opinion I can give to people who visit here. I don't know if she was the first clan mother, but there are a few things I was able to find out about her from several Seneca and Cayuga elders.

She was in a lineal descent from the first woman on earth, the Sky Woman, according to Haudenosaunee cosmology. She was already a noble person to begin with. So what I know now is that there is a woman in our past who accepted the peace message from the Peacemaker and became one of three people who worked to spread that message.

The common perception I have heard about Ganondagan is that this was her village and her remains are here. So we regard this site as sacred because of her, because she was the first person to accept the message of the Peacemaker. If you go back to that period in time, they say we were involved in blood feuds and we were abusing each other. There was great sorrow and fear among everyone.

The Peacemaker had already been preaching among his own people and had given them the same message. But once he got here, the first person that accepted the message, as it was given, was Jikonsaseh. She was an important figure because she had a cabin that was on the trail used by the warriors as they went back and forth to fight. She offered them food when they came by, and it is said she relished the stories the men would tell as they came back from fighting. In effect, she was just as much a part of the evil that was happening as the ones who were carrying it out because she fed on the stories. When the Peacemaker came to her, this is how he found her, and he told her that he brought a message of peace and unity. He told her she would have a role and she eventually accepted the message. She saw in herself the evil she was a part of and she decided to give it up.

The Peacemaker gave her the name Mother of Nations and explained to her that women would have an important role in this peace. He told her that in peace they would be one big family living in a large longhouse with the sky as the ceiling and the earth as the floor. He said that each nation would have fires burning and each nation would have sachems. He said the women would have the responsibility of raising up the chiefs who would come from a matrilineal descent. He said the women would have the responsibility of holding the titles of the chiefs and would be able to remove a chief if he went astray.

The Peacemaker spent a great deal of time with each nation of the Haudenosaunee as he travelled from village to village. He had to. It was impossible to impart the kinds of concepts he had to these people in a short period of time. At the time the confederacy was being formed, there were four nations that wanted to join, but the Onondagas - through the resistance of one man, Tadodaho - were an impediment to the union. Tadodaho had allied himself with evil forces and his sorcery was powerful. He could drop birds out of the air with his voice, he could change the course of the water on the lake. He could

disrupt human minds. And he was always aware of what was going on around him. Everyone was in absolute fear of his power.

I wonder if Jikonsaseh was present when they put the deer antlers on Tadodaho. I think she was there. The elders say that she, working with the Peacemaker, offered up the solution to persuade Tadodaho to consent to the peace. From what I have gathered in my discussions with Jake Thomas, she said that since Tadodaho was resisting, they should offer him the idea that the Onondagas would be the central fire of the confederacy. They would have more chiefs than any other nation, 14, and an Onondaga would be made the head man. This was an inducement for Tadodaho to accept the Great Law of Peace.

Arthur C. Parker, the late Seneca scholar, said that she may have taken responsibility for the fire. She functioned within the longhouse council and had the responsibility, not in council but as the firekeeper. I guess she put things through, such as ceremonies, that had to happen. And we still have women now who take that responsibility, and this relates to her ancient duties. So women in the longhouse today mirror the responsibilities she earned for them back then.

And Parker has been somewhat of an enigma among the Seneca. He might be the person who did the most work researching about her. He was a figure of controversy because he uncovered Indian graves. I am not so hard on him as other people because I look at him in the context of the time period. He was forward thinking. People have built their careers on his back and never gave him credit for the good things he did. He wasn't just studying his people; he was a believer.

I looked into what Parker had written about Jikonsaseh. Parker came to this site and looked around near the beginning of the 20th century. J. Sheldon Fisher, a white man who worked with and knew Parker is still living near here. He said Parker meant no disrespect to his ancestors, he just felt he was entitled to know about them. Fisher tells a story, and many people dispute it, that Parker found a site here that was laden with fresh water pearls. Fisher told me that Parker said in effect, "This is where a woman who was of noble lineage was buried. And if she is not the Peace Queen, she is a descendant of her." No one has ever seen where Parker wrote this down, so it is difficult to say whether this really happened.

It has also been difficult to sort out the difference of opinion over what nation she came from. I have heard her described by Seneca elder Corbett Sundown as a Seneca and by Cayuga elder Jake Thomas as a Neutral. Some versions do not mention her at all.

If she was a Neutral, eventually the Neutrals became a part of the Seneca, and this village existed at a time that coincides both with the defeat of the Neutrals and several years thereafter. Possibly a descendent of the Peace Queen lived here and that cloak of white fresh water pearls representing peace, truth, and purity found with the remains of a woman are what Parker excavated.

This past fall, while visiting Niagara Falls, I was told of a collection of artifacts which came from the Lewiston, New York area. The archaeologist who was working with the material asked if I would be interested in viewing the collection. Remembering an earlier coversation I had had with Ray Fadden, I said yes. Ray had told me that when he lived at Tuscarora, Clinton Rickard had shown him a site which he described as the Neutral village the Mother of Nations came from. Ray's description of the site sounded like the area where this collection was excavated. I was interested in the artifacts because they were prehistoric; in other words, they were from a time period when the woman worked to bring about peace. I wanted to hold items that had been made by the women of that Neutral village. That day I held some beautiful pottery fragments which showed the hand of those women.

The point in relating this story is that I want to leave no possibility unexamined. Every clue in the story of Jikonsaseh deserves our attention.

Something that adds to the difficulty in the story about Jikonsaseh, is that there are several interpretations of Kayanasegowah, the Great Law, in the United States and Canada. I think it is necessary to have discussions to find out the differences and commonalities in the versions and see how we can consolidate the bodies of knowledge.

Right now Jake Thomas is working to translate another very old version of the Great Law he attributes to Simeon Gibson. What he and I have been talking about is that there is no existing accurate translation of Kayanasegowah. A really accurate translation needs to be done before we can know more about Jikonsaseh. So far, all I know about her is what I have been told by others, mostly elders, and I think it is necessary to learn more, so we can truly appreciate the sacredness of this site.

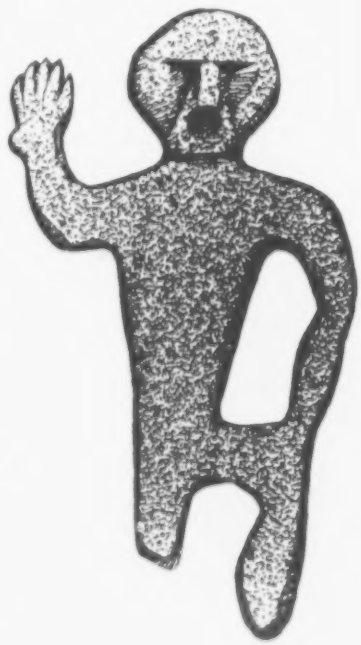
Her Word Was Law

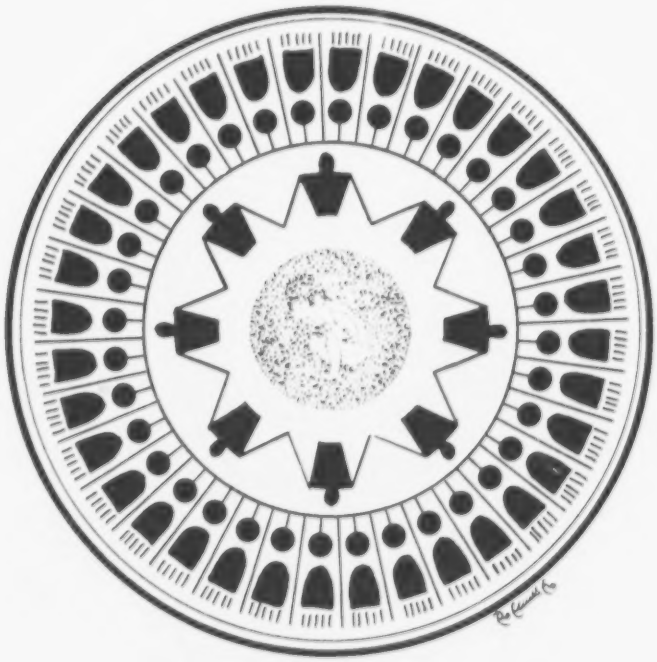
Arthur Parker, writing of his own family ancestors' oral history, collected materials about the Peace Queen. In 1919, Parker wrote the Life of Gen. Ely S. Parker, that included references to writings by Tuscarora David Cusick and about Ely's mother, Elizabeth, that spoke about the Peace Queen:

"Elizabeth, Ely S. Parker's mother, was a descendant on her mother's side of a captive of the Neuter nation. Elizabeth was in direct line from the famous Wolf Clan family of the Neuters in which had rested the exalted title of Ye-go-wa-neh, a name that goes far back into the days of tradition. She had been well schooled in this family tradition and as a child she had sat by her mother's side and listened to tales of the olden days. She knew how the earth rested on the back of a great turtle and how it was the duty of all Iroquois who called themselves Ongwe-oweh, or real men, 'to spread their peace and extend their power throughout the entire earth.'

"In writing the story of those early days, Cusick, the Tuscarora historian, tells much about this 'Fire Queen' as he called her, and the part she played in the contest between the Neutrals and the Five Nations. Likewise in the wampum codes of the Six Nations of the Iroquois, we are told that both Hiawatha, the Onondaga and the Peacemaker, a Wyandot, made their journeys to the tribes with the 'Great Mother,' Ji-gon-sa-seh, the Ka-kwah, and consulted her in every important detail. Without the approval of this 'Mother of Nations' and her sanction of Hiawatha's plans, the integrity of the principles of the confederacy of the Five Nations would have been assailed. But Ji-gon-sa-seh, who was regarded as a descendant of the first woman who came to earth, and as the direct descendant of the first Ye-go-wa-neh, the woman who was the mother of all the first Ongwe was sacred to her people, for her word was law and her sanction was necessary in all political measures of inter-tribal importance. Elizabeth, the descendant of this honored line of 'hoyaneh' women, held an honored place among the favored, and William was proud of his wife so gifted by ancestry.

"The Mother of Nations, Yegowaneh, the Great Woman, lived in a longhouse in the territory of the Cultivators [Neutrals]. Her house was at Oniagara. The Cultivators were the Crooked-Tongues and cousins of the Ongwe-oweh. In the dim distant past when the Turtles' back was small and the world was new all the Crooked Tongues had been Oweh, even as the Ongwe-oweh and as the nations grew and divided, it was found that the first family and the Mother of the Nations fell to the Cultivators, the Atiwan-daronk. So then thereafter the nations of them who were Oweh called the Great Woman, Yego-waneh, but through all generations the Great Woman's name was Ji-kon-sa-seh, the Lynx. Now in the territory of the Cultivators there was no war. Bands of warrior passed from east to west and from west to east through the paths of the Cultivators and delivered Peace Belts to Yego-waneh. So likewise, bands of warriors passed from south to north and from north to south through the territory of the Cultivators and delivered belts of peace because the Great Woman was the Mother of Nations. She would provide food for the War Captains and then exhort them to follow the paths of peace since all men are brothers who are Oweh."





TWOBORN
Tsikonsase

"Twoborn, I have attended joyfully
your reasoning and sacred purpose.
I take your words to heart,
I embrace your cause...
I believe your sincerity...
The light of mercy glows
in your eyes,
you are a timely blessing
to this darkening realm of men.

Further proof of your truth
and wisdom need not be implored
beyond the ankle deep war path
which my lodge divides
east to west...
west to east...

These weary years have cursed me
a bitter gift...
My house is a wayside arbor
from the horror and the hunger of war.
It is become my conscience
to feed and mend the broken warriors
who pass my humble lodge...
Here they find warmth and sanctuary
before they vanish into battle.
I know the face of each warrior
I shall not feed again
when the party returns...
Well I Know the mask of death
a marked warrior
wears as shadows...
Yes...the skull dines often here,
on the souls of them
who harbor the self-replicating
vengeance of the Blood Feud.
I had to come near to despair this world
abondoned and devoid of the grace
and hope of our Creator...
Yet now, even my failing eyes perceive
that you are the Chosen One...
Prophet and mentor of our Creator's
Eternal Light and Wisdom...

Twoborn, I accept the New Mind."

- rokwaho

Appendices

100th CONGRESS, 1st Session

S. CON. RES. 76

To acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

IN THE SENATE OF THE UNITED STATES

September 16, 1987

Mr. INOUYE (for himself, Mr. EVANS, Mr. DeCONCINI, Mr. Burdick, Mr. McCAIN, Mr. ADAMS, Mr. BOREN, Mr. CONRAD, Mr. CRANSTON, Mr. D'AMATO, Mr. DOLE, Mr. FORD, Mr. FOWLER, Mr. LEVIN, Mr. PELL, Mr. PRYOR, Mr. REID, Mr. REIGLE, and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Select Committee on Indian Affairs

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CONCURRENT RESOLUTION

To acknowledge the contribution of the Iroquois Confederacy of Nations to the development of the United States Constitution and to reaffirm the continuing government-to-government relationship between Indian tribes and the United States established in the Constitution.

Whereas the original framers of the Constitution, including most notably, George Washington and Benjamin Franklin, are known to have greatly admired the concepts, principles and governmental practices of the Six Nations of the Iroquois Confederacy; and,

Whereas the confederation of the original Thirteen Colonies into one republic was explicitly modeled upon the Iroquois Confederacy as were many of the democratic principles which were incorporated into the Constitution itself; and,

Whereas since the formation of the United States, the Congress has recognized the sovereign status of Indian tribes, and has, through the exercise of powers reserved to the Federal Government in the Commerce Clause of the Constitution (art. I, s8, cl.3), dealt with Indian tribes on a government-to-government basis and has, through the treaty clause (art. II, s2, cl.2) entered into three hundred and seventy treaties with Indian tribal nations; and,

Whereas from the first treaty entered into with an Indian nation, the treaty with the Delaware Indians of September 17,1778, and thereafter in every Indian

treaty until the cessation of treatymaking in 1871, the Congress has assumed a trust responsibility and obligation to Indian tribes and their members to "exercise the utmost good faith in dealings with the Indians" as provided for in the Northwest Ordinance of 1787, (1 Stat. 50); and,

Whereas Congress has consistently reaffirmed these fundamental policies over the past two hundred years through legislation specifically designed to honor this special relationship; and,

Whereas, the judicial system of the United States has consistently recognized and reaffirmed this special relationship:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That -

1) the Congress, on the occasion of the two hundredth anniversary of the signing of the United States Constitution, acknowledges the historical debt which the Republic of the United States of America owes to the Iroquois Confederacy and other Indian nations for their demonstration of enlightened, democratic principles of Government and their example of a free association of independent Indian nations;

2) the Congress also hereby reaffirms the constitutionally recognized government-to-government relationship with Indian tribes which has historically been the corner-stone of this Nation's official Indian policy;

3) the Congress specifically acknowledges and reaffirms the trust responsibility and obligation of the United States Government to Indian tribes, including Alaska Natives, for their preservation, protection and enhancement, including the provision of health, education, social and economic assistance programs as necessary, to assist tribes to perform their governmental responsibility to provide for the social and economic well-being of their members and to preserve tribal cultural identity and heritage; and

4) the Congress also acknowledges the need to exercise the utmost good faith in upholding its treaties with the various tribes, as the tribes understood them to be, and the duty of a great Nation to uphold its legal and moral obligations for the benefit of all of its citizens so that they and their posterity may also continue to enjoy the rights they have enshrined in the United States Constitution for time immemorial.

Glossary

Albany Plan of Union - A plan offered by Benjamin Franklin to the Albany Congress of 1754 that provided for representatives of the people of several colonies to elect a president-general, who with the advice of the grand council, would govern Indian affairs. The plan was unanimously approved by the colonies but rejected by the crown.

Articles of Confederation - The first constitution of the United States that provided for each state to have sovereign authority with an elected body of representatives, while remaining part of the whole confederation. The states united for common defense and general welfare. The Articles became effective in 1781.

Aionwatha (Hiawatha) - Onondaga Turtle clan orator who accepted the peace message of the Peacemaker and worked with him as a spokesman to bring the Great Law of Peace to the Haudenosaunee. Later adopted as a Mohawk, Aionwatha's title remains with the Mohawk Nation.

Canassatego - Onondaga chief and speaker of the Grand Council, present at many treaty meetings between the Haudenosaunee and their neighbors in the 18th century.

Colden, Cadwallader (1688 - 1776) - 18th century colonial scholar and political leader. Colden wrote *The History of the Five Nations Depending on the Province of New York in America*, in 1755. Became Lt. Gov. of New York in 1761.

Condolence Ceremony - Ceremony that raises up a chief when a *Royaner* dies.

Covenant Chain - a cooperation to ensure peace and trade between Indian tribes and English colonies, with the Haudenosaunee occupying the primary Indian role in the alliance. The chain was formed in 1667 as a result of two treaties signed at Albany. The first treaty was signed between the Haudenosaunee and the colonies of Massachusetts Bay and Connecticut. The second was signed between the Haudenosaunee and Delawares, and the colonies of Maryland and Virginia.

Deskaheh (Levi General, 1873-1925) - Cayuga stateman from the Six Nations Reserve at Grand River. Deskaheh traveled to the United Nations at Geneva, Switzerland in 1923 to protest the abuses committed by the United States and Canada against Six Nations sovereign rights.

Donehogawa (Ely S. Parker 1828-1895) - Tonawanda Seneca sachem. Studied to be a civil engineer. Served as a union secretary to Ulysses Grant in the Civil War. Parker is credited with writing Lee's terms of surrender at Appomattox. Also appointed Commissioner of Indian Affairs in 1869 and served until 1871.

Fort Stanwix Treaty - Treaty signed in 1784 between the United States and the Haudenosaunee that ended hostilities between the two peoples. Included in the treaty were provisions for later concessions of Indian land to the United States.

Franklin, Benjamin (1706 -1790) - Pennsylvanian elder, colonial statesman and inventor. Franklin, a publisher, printer, and writer who printed many Indian treaty proceedings of the day and studied and spoke favorably about American Indian civilizations.

Ganiadaiio (Handsome Lake, 1735 - 1815) - Seneca prophet. In the late 18th century, Ganiadaiio brought the message of Gaiwiio (the Good Message) to the Haudenosaunee and revitalized the nations after a period of despair following the American Revolution.

Gowasowaneh (Arthur C. Parker, 1881-1955) - Seneca ethnologist and director of the Rochester Museum of Arts and Sciences in the early 1900s. His works, such as *Parker on the Iroquois*, which included a translation of the Great Law of Peace, or the Iroquois Constitution, stand as primary source materials for Iroquois research.

Grand Council - Iroquois governing body made up of 49 *royaner*, or chiefs, with one Onondaga firekeeper.

Great Tree of Peace - A white pine tree, one of the forest icons used by the Peacemaker to symbolize the Iroquois League of Peace. The tree has four symbolic roots stretching to the cardinal points. Other nations can trace the roots to the source and take shelter beneath the Tree of Peace.

Haudenosaunee - "People who build," called *Iroquois* by the French, *Mingos* by the Swedes, *Maquas* by the Dutch and *Five or Six Nations* by the English. English names for the Six Nations are Mohawk, Oneida, Onondaga, Cayuga, Seneca and Tuscarora.

Jigonsaseh - Named the "Mother of Nations" by the Peacemaker. She was the first person to accept the message of peace from the Peacemaker, and she worked with Aionwatha and the Peacemaker to spread the message.

Kayanesha'Kowah - The Great Law of Peace delivered by the Peacemaker to the warring Five Nations. The Great Law exists as an oral tradition that takes about eight days to relate in its entirety. The Great Law established a democratic governmental process for the Haudenosaunee with codes of conduct for its leaders.

Lancaster Treaty - Meeting between colonial leaders and the Haudenosaunee that ran from June 22 to July 4, 1744. The central issue of debate was the invasion by squatters into the eastern slopes of the Appalachians. A vague promise was given by the colonial commissioners that the flow of settlers into the disputed lands would be stopped.

Locke, John (1632 - 1704) - English philosopher and believer in civil liberty, religious tolerance and the power of reason. Known for his *Second Treatise of Government*, which stated principles of liberal democratic thought.

Matrilineal - Blood line descent follows through the family of the mother.

Morgan, George (1743 - 1810) - Served as the Indian agent for the colonies during the Revolutionary War.

Ongweonweh - Refers to people of Iroquoian ethnicity; means "the real people."

Peacemaker - A Huron by birth, he was a prophet who came among the warring nations of the Haudenosaunee bearing the message of peace.

Pine Tree Chief - A man who has shown great promise among the Haudenosaunee might be appointed a Pine Tree Chief who can sit in the Confederate Council. Pine Tree chiefs are not raised up through a condolence ceremony, and the titles are not hereditary.

Royaner - Title meaning "Pathfinder," given to men who hold the leadership positions in Haudenosaunee Grand Council.

Rutledge, John (1739 - 1800) - Served in the Georgia State Legislature and led the efforts to establish state government after losing his property in the British invasion. During the Revolution, Rutledge helped draft South Carolina's Constitution. He chaired the detail committee for the first draft of the Constitution. Served on the U.S. Supreme court from 1789 to 1791.

Sullivan, John (1740 - 1795) - Brigadier General who served under George Washington in the Revolutionary War and carried out Washington's order to march through Iroquois territory razing villages and farmland. This foray become known as Sullivan's Expedition of 1779.

Tadodaho - Onondaga fire keeper of the Haudenosaunee Grand Council.

Tehanetorens (Ray Fadden, 1910 -) - Founder of the Six Nations Indian Museum in Onchiota, New York. As a teacher in several Indian reservation schools and publisher of the Akwesasne Mohawk Counselors Organization series of charts and pamphlets, Fadden encouraged recognition of Indian contributions to American life .

Thayanoge (Hendrick) - 18th century Mohawk chief, one of the four "Iroquois Kings" who visited Queen Anne of England in 1710. Friend of the British until his death at the Battle of Lake George in 1755.

Thirteen Fires - Term used by the Haudenosaunee to refer to the Thirteen Colonies.

Two-Row Wampum - Guswenta. This wampum belt represents the first treaty between North American Indians (Haudenosaunee) and a European government, the Dutch. It defines a relationship of two separate peoples travelling along parallel paths.

Tyorhansere (Old Abraham) - One of the leading chiefs of the Mohawks in the 18th century at Canajoharie. Thought to be the brother of Hendrick.

Washington, George 1732 - 1799 - Virginian Commander of militia for frontier defense and Commander-in-Chief of the Continental Army. Chaired the Constitutional Convention and served as nation's first President from 1789 to 1797. Known then and now among the Haudenosaunee as "Ranatakariis," or "Town Destroyer" for ordering scorched earth warfare against the Haudenosaunee during the Revolution.

Photograph by Steve Wall, copyright 1987.

The Condolence Cane of the Six Nations used in the ceremony to raise new chiefs, photographed in the hands of Leon Shenandoah, Haudenosaunee Tadodaho (Firekeeper).